



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,  
JABI, ABUJA  
FACULTY OF LAW  
2021\_1 EXAMINATION**

**COURSE CODE: PPL422**

**COURSE TITLE: LAND LAW II**

**TIME ALLOWED: 3 HOURS**

**Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)**

1. Olumo is the holder of right of occupancy over a large expanse of land measuring 50,000 square metres in Itiki State. In subdividing his land into plots, Olumo had included a 1,000 portion of farm land known to belong to the Akanbi family from time immemorial though no statutory right of occupancy had been issued to the Akanbi family. Akanbi family head has been advised the LUA extinguished all remedies open to them. Olumo sold the 50,000 sqm plot to Usman, an indigene of Abuchi state, who applied for the Governor's consent immediately. Governor of Itiki State travelled outside the country and had not signed the consent letter but Usman needed the letter urgently to apply for a Bank of Industry ranching loan. The Governor delegated his authority to sign the document to his good friend, the Governor of Abuchi State who was to countersign with the Itiki State Chief Registrar of Lands. Both officials signed the consent letter and Usman submitted his application for loan. Following the rejection of his application for loan, Usman sold the land to Daraji and said there was no need to obtain the Governor's consent again for sale of the same land. Critically examine the legal issues.
  - b. What practical steps would you advise Daraji to take in order to legally enjoy his interest having paid Usman in full for the land?
2. 'The doctrine once a mortgage always a mortgage means that no contract made between a mortgagor or mortgagee made at the time of the mortgage can be valid if it prevents the mortgagor from getting back his property...' Discuss with the aid of practical examples drawn from relevant cases (15 marks)
3. Discuss the any three of the following cases and their relevance to Land Law
  - a. PIP Ltd. v. Trade Bank (Nig.) Plc (2009) 13 NWLR (PT1159) 577

- b. UBN Plc. v. Ayodare & Sons (Nig.) Ltd (2007) 13 NWLR (PT 1052) 567
  - c. Administrators/Executors of the Estate of General Sani Abach (Deceased) v. Samuel David Eke-Spiff (2009) 7 NWLR (PT 1139) 97
  - d. Adole v. Gwar (2008) 11 NWLR
- 4a. Discuss the major ways in which a legal mortgage may be created
- b. Examine the effect of
    - i. the effect of a mortgage of a customary right of occupancy without the approval of the appropriate local government (2.5 marks)
    - ii. failure to obtain the Governor's consent for the creation of a legal mortgage over a statutory right of occupancy already subject to an equitable mortgage created with the Governor's consent
5. With the aid of relevant authorities, compare and contrast between 'overriding public interest' and 'public purpose' as used in the Land Use Act.
6. Advise on the following scenarios:
- a. Chinedu was granted a certificate of occupancy over a plot of land which he used for planting of cashew trees. He later sold the land to Akpan who continued using the land for the same purpose. Sophia, Chinedu's mistress reported
  - b. Nnoye's younger brother has sold her plot of land in Ikoyi to Senator Koma and used the proceeds to travel out of the country. Nnoye has been advised to immediately file a suit against Chief Koma at the Ikoyi Magistrates Court where the matter will be dealt with expeditiously since she has a C of O over the land.
  - c. A group of cattle rearers have encroached on Bidemi's farmland in Ofosu village in Ondo State using the land for grazing their cattle and living there with their families. They claim that the land was sold to them by the village head of Ofosu. Bidemi has filed a suit against them in the Federal High Court Ondo Judicial Division.