



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2017_2 EXAMINATION QUESTIONS
JANUARY 2018

COURSE CODE: PUL444

COURSE TITLE: ADMINISTRATIVE LAW 11

TIME ALLOWED: 2 ½ HOURS

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

1. Kago State decided to set up a Rent Tribunal in its state to address the problem arising out of the public outcry over outrageous high rent charged by landlords in the state. Section 5 of the Tenancy Law of the state establishing the Rent Tribunal provides that “The Rent Tribunal shall have the power to determine the rent payable for residential accommodation in the state except rent relating to government owned housing estates”. Mr Adekile is a tenant in Open Gardens Estate owned by the state government. He has brought a suit against the management of Open Gardens Estate at the Rent Tribunal contending that the rent payable in respect of his house is too high and outrageous. He wants the Rent Tribunal to determine the rent he ought to pay. In its considered judgment the Rent Tribunal gave judgment in favour of Mr. Adekile and reduced the rent he pays for his accommodation. Also in the same day the Rent Tribunal gave judgment and granted a right of occupancy regarding a plot of land in the capital of the state. Two days after the Rent Tribunal began hearing a suit brought by Chief Oloto asking the tribunal to make an order demolishing of houses belonging to Mr. Onadeko. The tribunal has fixed judgment in the case in two months. Mr. Onadeko is apprehensive that the tribunal may grant Chief Oloto’s application before it and intends to take actions to forestall that happening. Discuss the legal issues involved.
2. Dr. Makinde is a medical doctor with Ajah Hospital Limited. There has been several allegations of unethical conduct against Dr. Makinde in the performance of his duties as a medical doctor. As a result of a patient’s complaint the Ajah Hospital Limited has brought a complaint to the Medical and Dental Council regarding Dr. Makinde’s unethical conduct. After reviewing the complaint the Council has decided to the matter before the Medical Practitioner’s Disciplinary Tribunal. The Secretary and a member of the Medical and Dental Council are the Chairman and secretary of the Medical Practitioner’s Disciplinary Tribunal. Also a member of the Tribunal is a shareholder in the Ajah Hospital Limited. The tribunal has sat and made a determination stopping Dr. Makinde from practicing as a medical doctor. Discuss the legal issues.

3. Mansfield while discussing the Writ of Mandamus asserted that it was introduced to prevent disorder from failure of justice... Therefore it ought to be used upon all occasions where the law has established no specific remedy, and where in justice and good conscience there ought to be on. Discuss.
4. Mr. Eze is an engineer and has completed a major construction work for a private company. His contract fee has not been paid by the company. The government has sent up a tribunal to resolve timeously all issues of none payment of contract fees. Mr. Eze filed his petition before the tribunal and the 11th of January, 2018 was fixed for the hearing of his matter but the tribunal heard the matter on the 9th of January, 2018 without notifying Mr. Eze on the grounds that the Chairman has other urgent engagements on the 11th of January. 2018. Mr Eze applied to the court complaining of this situation but his application was determined without hearing him despite the fact that he was in court and the tribunal discussed the matter in a language that Me. Eze does not understand. Discuss the legal issues raised.
5. Properly conceptualized, the doctrine of locus standi operates as a practical limitation on the availability of judicial review of administrative actions since it requires that in order to be able to challenge an action, a person must have an interest which is sufficiently affected by the action being challenged. It is not enough to show that one falls within the class affected, he must go further to show that he has some personal interest that have been or is certain to be affected by the action complained of. Discuss.
- 6a. The concept of local government involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own, performing specific functions as within the wider national framework. Discuss.
- 6b. Discuss the legal framework of local government in Nigeria.