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Simiat Sulaman

18/4/2023

9:15p.m

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: FCT/HC/CV/2358/2022

ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)

CLAIMANTS

AND

- ✓ 1. ABDULRAHAMMAN MUMAMMAD
- ✓ 2. DAILY NEED DISTRIBUTORS LIMITED
3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY
4. MINISTER OF FEDERAL CAPITAL

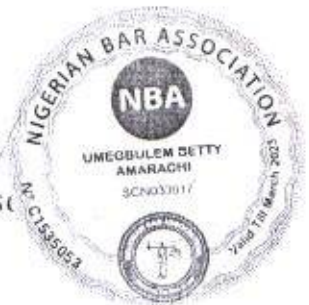


DEFENDANTS

Dated this 27th of January, 2023.

Betty A. Umegbulem Esq.
Linda I. Musa Esq.,
Helen O. Egbunu, Esq.,
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
FCDA
No. 1 Kapiyal Street, Area 11
Garki - Abuja.

betty.umegbulem@fctjbar.org.ng
08052747232



Official

6/3/2023

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FCT/HC/CV/2358/2022

**ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)
AND**

CLAIMANTS

- 1. ABDULRAHAMMAN MUMAMMAD**
- 2. DAILY NEED DISTRIBUTORS LIMITED**
- 3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY**
- 4. MINISTER OF FEDERALCAPITAL
TERRITORY**

DEFENDANTS

3RD AND 4TH DEFENDANTS JOINT STATEMENT OF DEFENCE

SAVE and EXCEPT as hereinafter expressly and specifically admitted, 3rd and 4th Defendants deny each and every allegation of facts contained in the Claimant's Statement of Claim as if each of such allegations has been separately taken and specifically traversed seriatim.

1. The 3rd and 4th Defendants are not in the position to admit or deny paragraph 1 of the Claimant's Statement of Claim.
2. The 3rd and 4th Defendants admit paragraph 1 a and b only to the extent that the plot is situate at Gbazango Phase 11 Layout , along Kubwa Expressway in Bwari Area Council, Federal Capital Territory, Abuja and within the jurisdiction of this Honourable Court, and deny the other part that the Claimant is the beneficial owner of the said plot No. 242 measuring about 3,000sm and put the Claimant to the strictest proof of same.
3. The 3rd and 4th Defendants are not in the position to admit or deny paragraphs 2, 3 and 4 of the Claimant's Statement of Claim.

the same

4. The 3rd and 4th Defendants deny paragraphs 5 and 6 of the Claimant's Statement of Claim and put the Claimant's to the strictest proof.
5. The 3rd and 4th Defendants are not in the position to admit or deny paragraphs 7, 8, 9 and 10 of the Claimant's Statement of Claim and put the Claimant to the strictest proof thereof.
6. The 3rd and 4th Defendants deny paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of the Claimant's Statement of Claim and put the Claimant to the strictest proof thereof.
7. In further answer to paragraphs 11 – 30 of the Claimant's Statement of Claim, the 3rd and 4th Defendants aver that they are not privy to the transaction between the Claimant and Shehu Liman or any other person.
8. It is the averment of the 3rd and 4th Defendants that the 4th Defendant did not allocate any plot of land in Gbazango Phase 11 Layout Kubwa, Abuja to the Claimant.
9. The 3rd and 4th Defendants contend further that the Claimant did not apply or submit any application for the allocation of plot of land with the 3rd and 4th Defendants.
10. It is also the contention of the 3rd and 4th Defendants that it is only the 4th Defendants that is saddled with the responsibility to allocate, revoke and deal with all the plots consisting of the Federal Capital Territory, Abuja.
11. The 3rd and 4th Defendants contend that the purported allocation of the plot of land in Gbazango Phase 11, Layout Kubwa, Abuja was done by Abuja Municipal Area Council and purportedly signed by a Secretary of Rural Land Use Adjudication Committee.
12. It is the averment of the 3rd and 4th Defendants that the Secretary of Rural Land Use Adjudication Committee has no right whatsoever to sign any allocation letter with respect to any plot of land comprising the Federal Capital Territory, Abuja.

13. The 3rd and 4th Defendants aver further that it is only the Department of Urban and Regional Planning of the 3rd and 4th Defendants that is responsible in establishing the Land Use of any area and re-designing of any District in the Federal Capital Territory, Abuja.

14. The 3rd and 4th Defendants contend further that the Urban and Regional Planning of the 3rd and 4th Defendant upon designing the District, the plot was changed to plot no 550 Jibi District, Kubwa Extension, Abuja.

15. It is the averment of the 3rd and 4th Defendants that plot 56 Cadastral Zone 07-05 Kubwa is same plot as plot 550 Jibi District Cadastral Zone Zone & 12, Abuja.

16. The 3rd and 4th Defendants contend further that there is no way the 3rd and 4th Defendants would have issued a revocation notice to the Claimant as the Claimant was not allocated any plot by the 4th Defendant.

17. In further answer to the Claimants' Statement of claim, the Defendants states as follows:

- (a) That since the creation of the Federal Capital Territory, Abuja, in 1976, the ownership of the entire area/land space comprising the Federal Capital Territory (Bwari District inclusive) became vested on the Federal Government of Nigeria.
- (b) That Federal Government of Nigeria through the President acting as the Governor of the Federal Capital Territory, exercises its right of ownership and control over land in the Federal Capital Territory including right to allocate and or revoke title over land in the Federal Capital Territory through the Minister of the Federal Capital Territory.
- (c) That the said right to allocate and or revoke title over land in the Federal Capital Territory being a statutory responsibility cannot be delegated and was never delegated to the Bwari Area Council, any Secretary Rural Land Use Adjudication Committee or any other person as far as land in Kubwa or anywhere within the Federal Capital Territory is concerned.

- (d) That the purported allocation of Plot No. 6 measuring 3000 Gbazango Extension Layout, Abuja was signed by the Secretary, Rural Land Use Adjudication Committee is illegal, null, void and of no effect.
- (e) That the right to allocate Land in the Federal Capital Territory being a statutory responsibility vested only on the Honourable Minister of the Federal Capital Territory, Abuja.
- (f) That the right being Statutory cannot be delegated.
- (g) That the Honourable Minister, Federal Capital Territory never authorized the Bwari Area Council Chairman, Secretary, Rural Land Use Adjudication Committee or any other person to allocate the said plot or issue any letter of allocations to the Claimant.
- (h) That the Honourable Minister, Federal Capital Territory gives authorization for all official functions for and on his behalf in writing.
- (i) That there was no instrument whatsoever authorizing the said purported allocation to the Claimants'.

18. In further answer to the Claimant's Statement of Claim, the 3rd and 4th Defendants aver that upon the Application from **Distinctive Homes limited** dated 25th April, 2001 for an allocation of plot of land in the Federal Capital Territory, Abuja, the 4th Defendant considered the Application and plot 56 Cadastral Zone 07-05 Kubwa was allocated to **DISTINCTIVE HOMES LIMITED** vide an Offer of Statutory Right of Occupancy, dated 1st June, 2011. The said Application for allocation of plot of land in the Federal Capital Territory, Abuja dated 25/04/2001 and the Offer of Statutory Right of Occupancy dated 01/06/2011 are hereby pleaded and shall be relied upon at the trial of this suit.

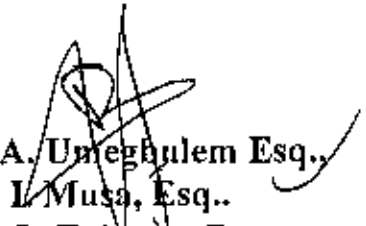
19. The said allocation of plot 56 Cadastral Zone 07-05 Kubwa was duly accepted by the allottee vide an Acceptance Letter of Offer of Grant of Right of Occupancy with the Federal Capital Territory, Abuja, dated 13th of June, 2001. The said Acceptance Letter dated 13/06/2001, is hereby pleaded and shall be relied upon at this suit.

20. The 3rd and 4th Defendants further aver that the allottee of the Plot (**Distinctive Homes Limited**) applied for the issuance of the Certificate of Occupancy in respect of the said plot.
21. It is the averment of 3rd and 4th Defendants that upon the payment for the processing of the Certificate of Occupancy, the Certificate of Occupancy dated 24th of June, 2003, was issued to the said allottee (**Distinctive Homes Limited**).
22. The 3rd and 4th Defendants contend that that in 2004, the 3rd and 4th Defendant introduce the recertification exercise wherein all allocations made from inception of the Federal Capital Territory, Abuja to 2003 were called for recertification.
23. Sequel upon the recertification exercise, **DISTINCTIVE HOMES LIMITED** submitted her title documents for recertification.
24. The 3rd and 4th Defendants contend further that sequel upon the submission of the title documents by **Distinctive Homes Limited**, the old Certificate of Occupancy was cancelled and a new Certificate of Occupancy No. 17a5w-deacz-1268b-4a42u-7au3 dated 1st of March, 2012 vide File No. MISC 51494 as issued to **Distinctive Homes Limited**. The said Certificate of Occupancy No. 17a5w-deacz-1268b-4a42u-7au3 dated 1st of March, 2012 vide File No. MISC 51494 issued to **Distinctive Homes Limited**, is hereby pleaded and shall be relied on at the trial of this suit.
25. The 3rd and 4th Defendant contend further that **Distinctive Homes Limited** applied for the registration of Power of Attorney in favour of **DAILY NEED DISTRIBUTORS LIMITED** vide its application dated 20th of June, 2014 with a Board Resolution dated 20th of June, 2014. The said Application dated 20th June, 2014 and Board Resolution are hereby pleaded and shall be relied upon at the trial of this suit.
26. It is the averment of the 3rd and 4th Defendants that the said application for registration of Power of Attorney was considered and approved with that of other Applicants. The list of the Approval is hereby pleaded and shall be relied upon at the trial of this suit.
27. Sequel upon the consideration and approval for the Registration of the Power of Attorney, the said Power of Attorney was registered in favour of **Daily**

Need Distributor Limited. The said registered Power of Attorney is hereby pleaded and shall be relied upon at the trial of this suit.

28. The 3rd and 4th contend that the Allottee (**DISTINCTIVE HOMES LIMITED**) applied for development permit to the Department Control of the 3rd and 4th Defendants.
29. It is the contention of the 3rd and 4th Defendants that the Department of Development Control of the 3rd and 4th Defendants upon the receipt of the Drawings for Development made some observations on the drawings submitted to it by the Applicant.
30. It is the further contention that upon compliance with the observations by the Applicant, the drawings was approved and settlement of Building Plans Fees was issued to the Applicant. The said Department of Development Control Observation, Recommendation and Settlement of Building Plan Fees are hereby pleaded and shall be relied upon at the trial of this suit.
31. The 3rd and 4th Defendants aver that upon the payment of the Building Plan Fess, the Applicant was issued with an official receipt No. FCTA 000286367 in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)**. The said official receipt No. **FCTA 000286367** in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)** is hereby pleaded and shall be relied upon at trial of this suit.
32. The 3rd and 4th Defendants contend that upon the settlement of the Building Plan fees, the Applicant was issued with Conveyance of Building Plan Approval dated 20th November, 2014. The said Conveyance of Building Plan Approval dated 20th November, 2014, is hereby pleaded and shall be relied upon at the trial of this suit.
33. **WHEREOF** the 3rd and 4th Defendants deny the Claimants claim in its entirety and urge this Honourable Court to dismiss the suit with substantial cost for being frivolous, vexatious, gold digging and lacking merit.

Dated this 16th of January, 2023.


Betty A. Umegbulem Esq.,
Linda L. Musa, Esq.,
Helen O. Egbunu, Esq.,
Esther I. Okeke, Esq.,
Olanike M. Jimoh, Esq.,
3rd and 4th Defendants Counsel
Legal Services Secretariat
FCDA
No. 1 Kapital Street, Area 11
Garki - Abuja
betttyumegbulem@nigerianbar.ng
08052747232.

FOR SERVICE ON;

1. The Claimant

C/O of their Counsel
Godwin Olebiyi, Esq.,
Dr. Kabiru Adamu, Esq.,
Mohammed Salihu
NORTHEDGE ATTORNEY
3rd floor, Bank of Industry Building
No. 18 Muhammadu Buhari Way
Kaduna.
08186744916, 08034770177.

ADDRESS FOR SERVICE WITHIN JURISDICTION

Hakim Bakare & Associates
No. 3 SFAX Street, Wuse Zone 4
Abuja – FCT. 08067111131.

2. The 1st and 2nd Defendant

C/o their Counsel,
Dayo G. Ashonibare, Esq, LL.M ACIrb, (UK),
R. E. Ashonibare, Esq.,
Simiat Suleiman, Esq.,
Smart Wofuru Esq.,

**F. O. Abdulrahman Esq.,
Levite Solicitors & Arbitrators
Suite SF Anafara' Plaza
First Avenue, Gwarinpa
FCT, Abuja.
08033661414, 08034812254
levitesolicitors@gmail.com**

1985-86

1985-86
1/1/86

FORM FCT/1

FEDERAL REPUBLIC OF NIGERIA
APPLICATION FOR STATUTORY RIGHT OF OCCUPANCY
URBAN/RURAL LAND WITHIN THE FEDERAL CAPITAL
TERRITORY

Ministry of Lands and Survey
Federal Capital Territory
Abuja

PART I TO BE COMPLETED BY ALL COMPANIES FIRMS

DISTINCTIVE HOMES LIMITED

Name of Company: **DISTINCTIVE HOMES LIMITED**
Contract Address: **Plot 1, Phase 1, Maitama, Abuja**

Is the company a wholly owned subsidiary of a foreign company? ☐ Yes ☒ No
If Yes, Name of Foreign Company: **None**
Is the company a subsidiary of a Nigerian company? ☐ Yes ☒ No
If Yes, Name of Nigerian Company: **None**

Registration Number: **RC 405**
Date of Registration: **1985**

Name and Address of Agent: **None**

Do you, your agent or company to which you are a Director, hold any other plots of land within the Federal Capital Territory? ☐ Yes ☒ No

If Yes, please state the location and size of plots: **None**

What is the purpose for which land is required? **Industrial/Trading/Residential**

Give a brief description of the land, including size of plot, plot number, street name and location: **Plot 1, Phase 1, Maitama, Abuja**

Is the land currently occupied by any person? ☐ Yes ☒ No

If Yes, Name of Occupant: **None**

What is the estimated value of the land? **58 YEARS**

What is the estimated value of the improvements on the land? **None**

What is the estimated value of the improvements on the land? **None**

What is the estimated value of the improvements on the land? **None**

What is the estimated value of the improvements on the land? **None**

What is the estimated value of the improvements on the land? **None**



FEDERAL REPUBLIC OF NIGERIA
FEDERAL CAPITAL TERRITORY, ABUJA
OFFER OF STATUTORY RIGHT OF OCCUPANCY

Name: DISTINCTIVE HOMES LIMITED
Address: WUSE ZONE 5, PLT 438 MICHAEL OKPARA ROAD, ABUJA, FCT, NIGERIA
New File Number: MISC 51494
Old File Number: MISC 18328
R-of-O Date: 01/06/2011

I am hereby directed to convey the approval of the Minister of the Federal Capital Territory of the grant of a Right of Occupancy in respect of Plot No: 550 having an area of approximately 2.00Ha on the following terms and conditions in Cadastral Zone F12 of J1B1

(i) Premium:

N 1,000,000/m²

(ii) Rent Per Annum:

N 15.00/m²

(iii) Improvement Value:

NOT LESS THAN FIVE MILLION NAIRA
COMMERCIAL (NOT SPECIFIED)

(iv) Purpose:

90 YEARS

(v) Lease Term:

EVERY FIVE YEARS

(vi) Rent Revision:

(2) Furthermore, the following conditions shall, in addition to other conditions, be included in the Certificate of Occupancy evidencing the grant of this Right of Occupancy.

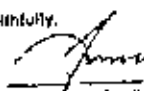
- (i) Within three years from the date of the commencement of this Right of Occupancy to erect and complete on the said plot buildings and other works that conform with the purpose for which the plot is granted and that is approved by the Federal Capital Development Authority or any other Agency / Department empowered to do so.
- (ii) Not to erect or build or permit to be erected or built on the said plot any buildings other than those permitted to be erected by virtue of the land use or not make or permit to be made additions or alterations to the said buildings to be erected or buildings already erected on the plot except in accordance with plans and specifications approved by the Federal Capital Development Authority or any other Agency empowered to do so.
- (iii) Not to alienate the Right of Occupancy hereby granted or any part thereof by sale, assignment, mortgage, transfer of possession, sublease or bequest, or otherwise howsoever without the full payment of the fees hereby prescribed.
- (iv) Not to alienate the Right of Occupancy hereby granted or any part thereof by sale, assignment, mortgage, transfer of possession, sublease or bequest, or otherwise howsoever without the prior consent of the Minister First had and obtained.
- (v) The Minister or any public officer duly authorized by the Minister on his behalf shall have power to enter upon and inspect the land comprised in this Right of Occupancy or any improvements effected thereon at any reasonable hours during the day and the occupier shall permit and give free access to the Minister or any such officer to enter and so inspect.

(3) A breach or failure to comply with any or all of the terms stated herein shall be liable to the revocation of this Right of Occupancy.

(4) This Right of Occupancy shall commence on the date of acceptance as signified by you in writing and shall be within two months from the date of this Right of Occupancy.

(5) You would also be required to pay other fees and charges at a rate to be determined for the survey, preparation, and execution of the Certificate of Occupancy, and building plan approvals.

Yours faithfully,


for Minister Federal Capital Territory

DEPARTMENT OF LAND ADMINISTRATION, 4 PEACE DRIVE, CENTRAL AREA, ABUJA, FCT, NIGERIA

Contact Address: Zuma Chambers Suite
210 Chobi Plaza off
Ladoke Akintola Boulevard
Central Abuja
No 6 Oke Agbe Str.
Central Abuja
Work Phone: 0833747063
Home Phone:
Mobile Phone:
Facsimile:
E-mail:
Date: 13/06/11

The Minister,
Federal Capital Territory, Abuja

Sir,

**LETTER OF ACCEPTANCE / REFUSAL OF OFFER OF GRANT OF RIGHT OF OCCUPANCY
IN THE FEDERAL CAPITAL TERRITORY, ABUJA**

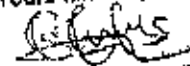
I wish to refer to your offer of grant of Right of Occupancy dated 01/06/2011
in respect of the plot with the particulars below:

New File Number: MISC 51494
Plot Number: 550
Cadastral Zone: F12
District: J1B1
Plot Size: 2.00Ha

and to state that I accept ☒ reject ☐ the offer and the terms and conditions
therein as conveyed to me vide letter under reference.

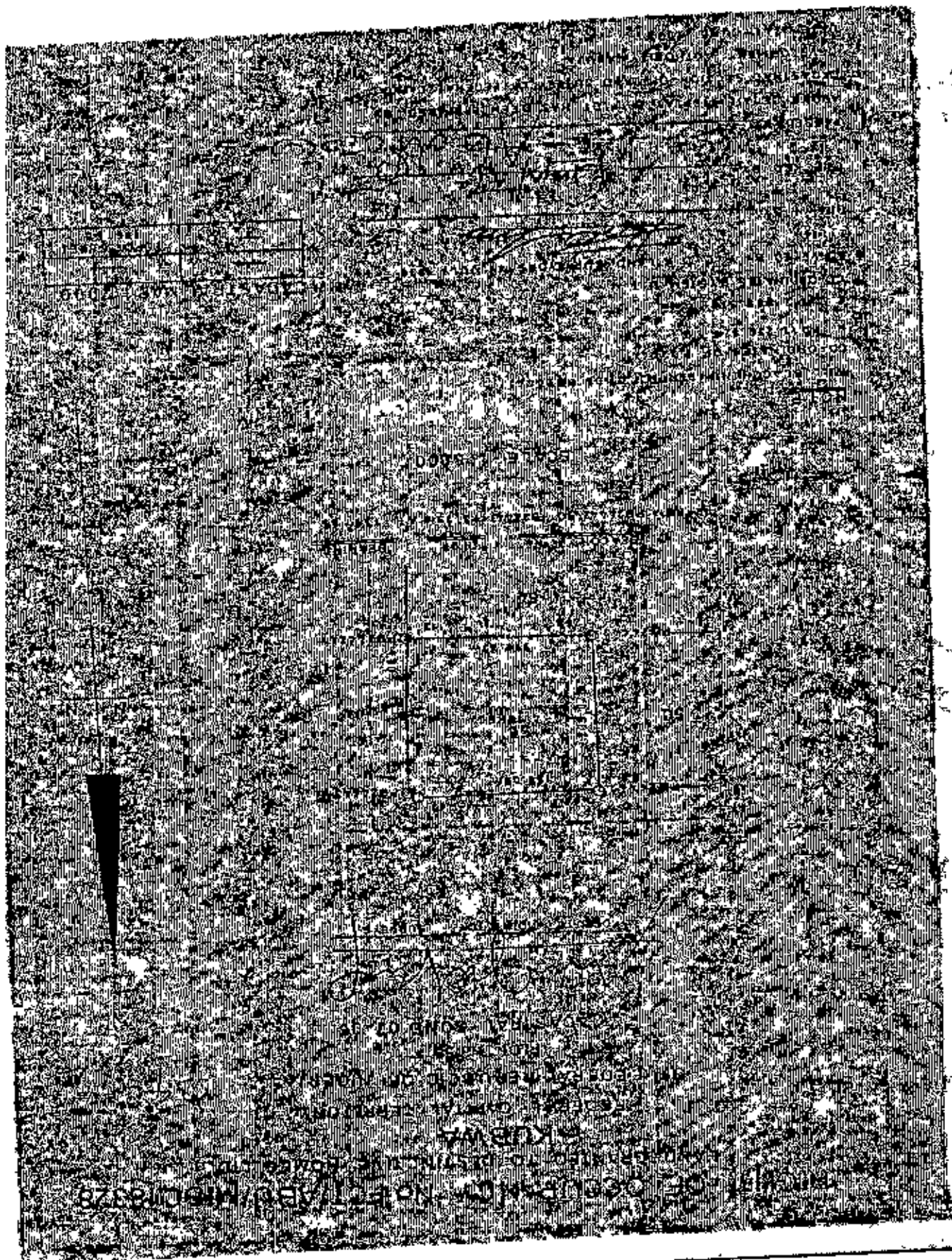
In addition, I agree to keep the Minister informed of any change in my contact address
for the duration of the lease term.

Yours faithfully,



DISTINCTIVE HOMES LIMITED

DEPARTMENT OF LAND ADMINISTRATION, # PEACE DRIVE, CENTRAL AREA, ABUJA, FCT, NIGERIA



100
100
100
100

FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR, FBI

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

26. [Illegible]

27. [Illegible]

28. [Illegible]

29. [Illegible]

30. [Illegible]

31. [Illegible]

32. [Illegible]

33. [Illegible]

Approved: [Illegible]

Special Agent in Charge

100-100000

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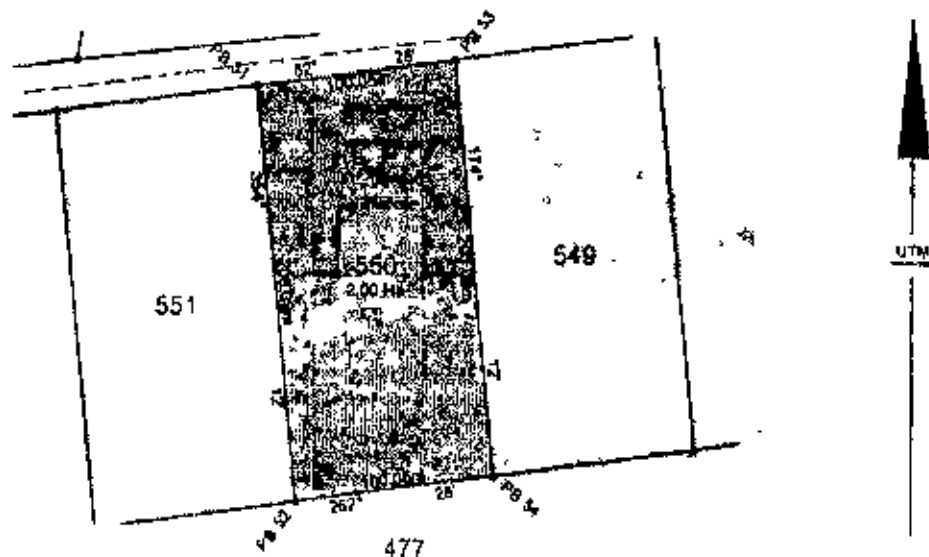
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LAND GRANTED TO DISTINCTIVE HOMES LIMITED
 FILE NO: MISC 51494
 DISTRICT: JIBI
 CADASTRAL ZONE: F12
 PLOT NO: 550


 DIRECTOR OF SURVEYING AND MAPPING



SCALE: 1:3000

SCHEDULE- AS DESCRIBED IN GRAPHICS ABOVE

NOTE:

FULL BEACON NUMBER FCT R-12 PG 63
 COORDINATES OF PG 63
 N. 1,810,788.18
 E. 313,334.09
 COORDINATE SYSTEM UTM ZONE 32N

CADASTRAL MAP 1:5000

317/1008	---
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SURVEYED BY: FODA and Survivors Jan 2011

PREPARED BY: Abuja Geographic Information Systems 28th February 2012

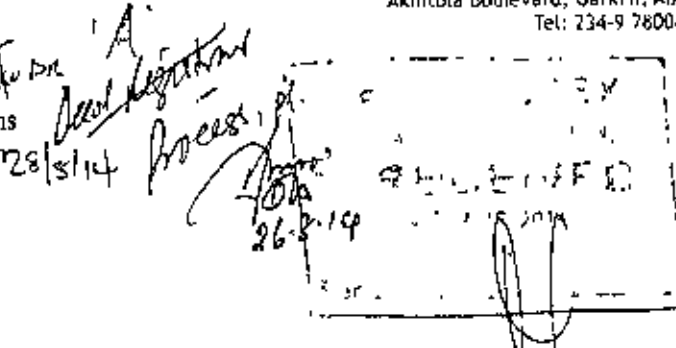


DISTINCTIVE HOMES LIMITED

Supreme Plaza, Suite 16, Plot 1242
Akintola Boulevard, Garki II, Abuja
Tel: 234-9 7800887

120(13)

The Director Lands
Abuja Geographical Information Systems
Federal Capital Territory Administration
No4, Peace Drive,
Garki, Abuja



Dear Sir,

**AUTHORITY TO REGISTER POWER OF ATTORNEY ON CERTIFICATE OF
OCCUPANCY NO 17a5w-deacz-1268b-4a42u-7au3**

The above refers,

The Board of Directors of **DISTINCTIVE HOMES LIMITED** hereby request your permission to Allow the Bearer **DAILY NEED DISTRIBUTORS LIMITED** to register Power of Attorney on Certificate of Occupancy No 17a5w-deacz-1268b-4a42u-7au3 of 1st March, 2012 issued by Hon. Minister of the Federal Capital Territory, (Abuja Geographical Information System) Ministry of the Federal Capital Territory, Abuja

Thank you for your kind and usual co-operation.

Dated this 20th day of June, 2014

By Order of the Board

Director

Secretary



DISTINCTIVE HOMES LIMITED

Supreme Plaza, Suite 16, Plot 1242
Akintola Boulevard, Garki II, Abuja
Tel: 234-9-7800881

BOARD RESOLUTION

At the ordinary meeting of the above-named company, the following resolutions was reached and passed.

1. That Daily Need Distributors Limited be and hereby appointed as Attorney over all that property situate and particularly known as plot 550 MISC 51494, Cadastral Zone F12 Certificate of Occupancy No 17a5w-deacz-1268b-4a42u-7au3.
2. That Daily Need Distributors Limited can transact with all Federal Government Agencies and relevant bodies infavour of the said property.

Dated this 20th day of June, 2014.

Signed:

Musa Dangoggo Aliyu
Director

Saadatu Aliyu
Director

MEMO

**FEDERAL CAPITAL TERRITORY ADMINISTRATION
LAND ADMINISTRATION DEPARTMENT**

To: DIRECTOR, LANDS
Thro: DEED REGISTRAR *A. 20/7/16*
Subject: REGISTRATION OF POWER OF ATTORNEY
Date: *14/10 FILE PIC*

Please find attached list of applications for registration of power of attorney donated in favour of respective holder(s). The policy files evidencing the grant of the title have been checked and verified against any encumbrance existing on our records as at date.

Outstanding charges as it relates to this process shall be assessed and payment ensured for documentation.

You may therefore wish to recommend for approval to enable us process the registration inline with Sec. 3(2) of the Land Registration Act, Cap 515 Laws of the Federal, 1990.

Above for your further directives, please.

Tijani
Balogun, Tijani
Principal Estate Officer, Lands. *14/10/16*

'A' Per(s)
Deed Registrar
File. At. 20/7/16
21-7-16

SCHEDULE OF POWER OF ATTORNEY FOR APPROVAL (14TH APRIL, 2016)

S/NO.	NEW FILE NO	DONOR/HOLDER(S)	DONEE/PROSPECTIVE HOLDER(S)	PLOT NO.	DISTRICT	REMARK
1	ED. 10274	JOSIAH GIMAH OLENLOA	KENNETH AFAM MOZIA	486	B09	Approved.
2	AB. 11459	UMAR FARUK MUHAMMED ALIERO	JULIUS BERGER NIGERIA PLC.	1506	B07	Approved
3	MISC. 51494	DISTINCTIVE HOMES LIMITED	DAILY NEED DISTRIBUTORS LIMITED	550	F12	Approved.
4	OD. 10174	JANET O. ABISI ADEYEYE	JOSEPH ADELANI ADEYEYE	668	B05	Approved.
5	KG. 12423	GABRIEL ODUMAH MUSA	ALI. ABDULRAHMAN SHERIF MUHAMMAD	624	B04	Approved.
6	YB. 60127	USMAN A. ABUBAKAR	ALI. IAJI BELLO ADAMU	255	B08	Approved.
7	KG. 12486	SANI TEIDI SHAIBU	SALISU SAIDU HABIB	471	B02	Approved.
8	KN. 10760	WADA YUNUSA	ALH. LABARAN YUNUSA DAMBATTA	252	B04	Approved
9	OY. 10127	SAMUEL FOLA CALED	IDOWU OLUOLALE OBASA	382	B19	Approved.
PEO		DEED REGISTRAR		DIRECTOR LANDS.		
SIGN.....		SIGN.....		SIGN.....		

PEO *[Signature]* 14/4/2016
 SIGN.....
 DEED REGISTRAR *[Signature]* 20/4/16
 SIGN.....
 DIRECTOR LANDS. *[Signature]* 28.4.16
 SIGN.....

IRREVOCABLE POWER OF ATTORNEY

DONATED BY



DISTINCTIVE HOMES LIMITED

DONOR

TO

DAILY NEED DISTRIBUTORS LIMITED

DONEE

In respect of

2-Hectares of Land Plot No 550,

Jibi District, Cadastral Zone F12, Abuja

Certificate of Occupancy No. 17a5w-deacz-1263b-4a42u-7au3

File No. MISC 51494

Prepared by

**Idris Yakubu, Esq
Beachcroft Solicitors
Suite 301 BM House Ladoke Akintola
Garki 11, Abuja**

IRREVOCABLE POWER OF ATTORNEY

BY THIS IRREVOCABLE POWER OF ATTORNEY dated the 20th day of June, 2014, We **DISTINCTIVE HOMES LIMITED** of *Suite 16 Supreme Plaza, plot 1242 Ladoke Akintola Boulevard, Garki 2, Abuja* (hereinafter called "*the Donor*") which expression shall where the context so admits include its heirs, successors-in-title and/or assigns of the one part, hereby appoint **DAILY NEED DISTRIBUTORS LIMITED** of *Area A Extension , Last Road Nyanya, Abuja* (hereinafter called "*the Donee*") which expression shall where the context so admits include its successors-in-title and/or assigns of the other part, as our Attorney in our name and on our behalf to execute all act and any of the acts and things following:

1. To take possession of our property lying and situated at *Plot 550 Jibi District, Cadastral Zone F12 Abuja FCT, Measuring about 2,Hectares and covered with Certificate of Occupancy No. 17a5W-deacz-1268b-4a42u-7au3 with file no. MISC 51494* (hereinafter called the property) particularly described in the schedule.
2. To enjoy all the Rights, Title and Interests in the Certificate together with Appurtenances on the Plot to which the Certificate relates, and the full benefits thereof and all remedies for enforcing same.

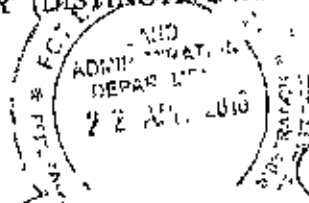
IN WITNESS WHEREOF the parties have signed this DEED and affixed their hands and common seal the day and year first above written.

SIGNED, SEALED and DELIVERED
by the within named "DONOR" (DISTINCTIVE HOMES LIMITED)

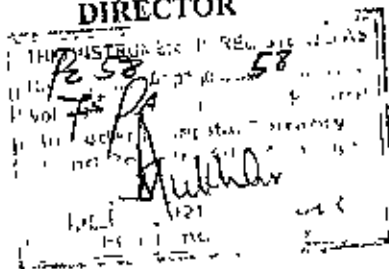
In the presence of

MUSA GYI
DIRECTOR

seal



[Signature]
DIRECTOR



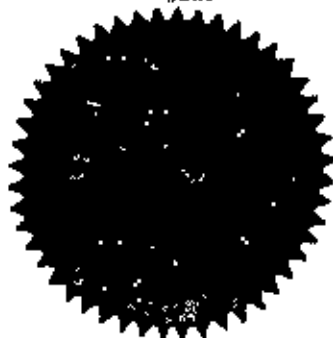
SIGNED, SEALED and DELIVERED

by the within named "DONEE" (DAILY NEEDS DISTRIBUTORS LIMITED)

In the presence of

[Signature]
DIRECTOR

seal



[Signature]
DIRECTOR

REGISTERED
STAMP
No. 24, 1
2016

[Handwritten mark]

[illegible]



ABUJA METROPOLITAN MANAGEMENT COUNCIL

No. 2 Juba Street, Zone 6, P.M.B. 24 Wuse - Abuja

DEPARTMENT OF DEVELOPMENT CONTROL

Our Ref: FCD/DC/DP/CID/1606

FILE STATUS

Your Ref:

Date: 22-Oct-14

NAME OF DEVELOPER	DISTINCTIVE HOMES LIMITED	POSTAL ADDRESS
PLOT NO.	550 LANDUSE	COMMERCIAL/BUS
DISTRICT	J1B1	CONTACT PHONE 08098811366
CADZONE	F12	New Submission

OBSERVATIONS

PLANNING

>Recommended, insert beacon number on site plan.

ARCHITECTURAL

>Relate the site plan with the floor plan/provide scale on the new site plan and seal

STRUCTURAL

>Recommended, office and warehouse are architecturally linked together; structurally link them from foundation level, ***provide roof beams structural detail, ***provide x-sectional detail for all floor beams; if a beam has differing x-sectional properties along its length, provide details for all differing sections, ***WAREHOUSE= provide top reinforcement for BTA and BTC both carrying 2 columns***provide structural calculation sheets for entire structure justifying the selection of universal steel sections including roof truss, ***seal all structural detail legibly, ***provide a professional geotechnical investigation report

ELECTRICAL

>Recommended, provide load schedule and respective current demand for the site plan lighting, ***blow up all floor plan lighting for legibility, ***introduce sub lv panel, ***provide load summary for the entire ware house leading to the ratings of installed KVAS, ***provide fire/alarm current layout.

MECHANICAL

>Recommended, the office and warehouse should be submitted as a single block instead of 2 blocks, ***provide FIRE fighting design for the entire building especially the warehouse.

RECOMMENDATIONS

- ◇Planning aspect recommended, subject to above comment.
- ◇Architectural aspect not recommended.
- ◇Structural aspect recommended, subject to above comment.
- ◇Electrical aspect recommended, subject to above comment.
- ◇Mechanical aspect recommended, subject to above comment.

RESUBMISSION OF AMENDED PLANS MUST BE MADE WITHIN 3 DAYS FROM THE DATE OF THIS LETTER, OR ELSE A NEW SUBMISSION WILL HAVE TO BE MADE.

BASHIR MADAKI SUNUSI

CTPO(DP)N
FOR: DIRECTOR, DEV. CONTROL

23/10/14

ABUJA METROPOLITAN MANAGEMENT COUNCIL
DEPARTMENT OF DEVELOPMENT CONTROL
 No. 2 Juba Street, Wuse Zone 6, P.M.B. 5212 Abuja

FILE NO:
 NAME OF DEVELOPER:
 DISTRICT:

FCDA/DC/BP/CID/16088
 DISTINCTIVE HOMES LIMITED
 JIba

DATE: 22-Oct-2014
 PLOT NO: 550
 CAD. ZONE: P12

SETTELEMENT OF BUILDING PLAN FEES

I am directed to inform you that your building plan submission has been vetted and recommended for implementation.

2. You are however expected to pay the following bill at Zenith Bank, Account No. 1013054837 Abuja.
3. Failure to settle this bill within one Month (30 days) from the date of receipt, will result to payment of additional 20% of the fee as penalty for default.

REGISTRATION
 SITE INSPECTION FEE
 PROCESSING
 ALTERATION
 SETTING-OUT FEE
 STAGE BY STAGE FEE
 ESTABLISHMENT OF DPC LEVEL
 DEMOLITION FEE
 SEARCH FEE
 CONFIRMATION OF PLOT BOUNDARY
 CONSTRUCTION WASTE
 CONSTRUCTION MATERIALS
 CERTIFIED TRUE COPY
 REVALIDATION FEE
 ADDITIONAL COPY OF APPROVED DRAWINGS
 HOUSE NUMBERING
 CONTRAVENTION CHARGE
 LATE PAYMENT CHARGE
 TOTAL PROCESSING FEE

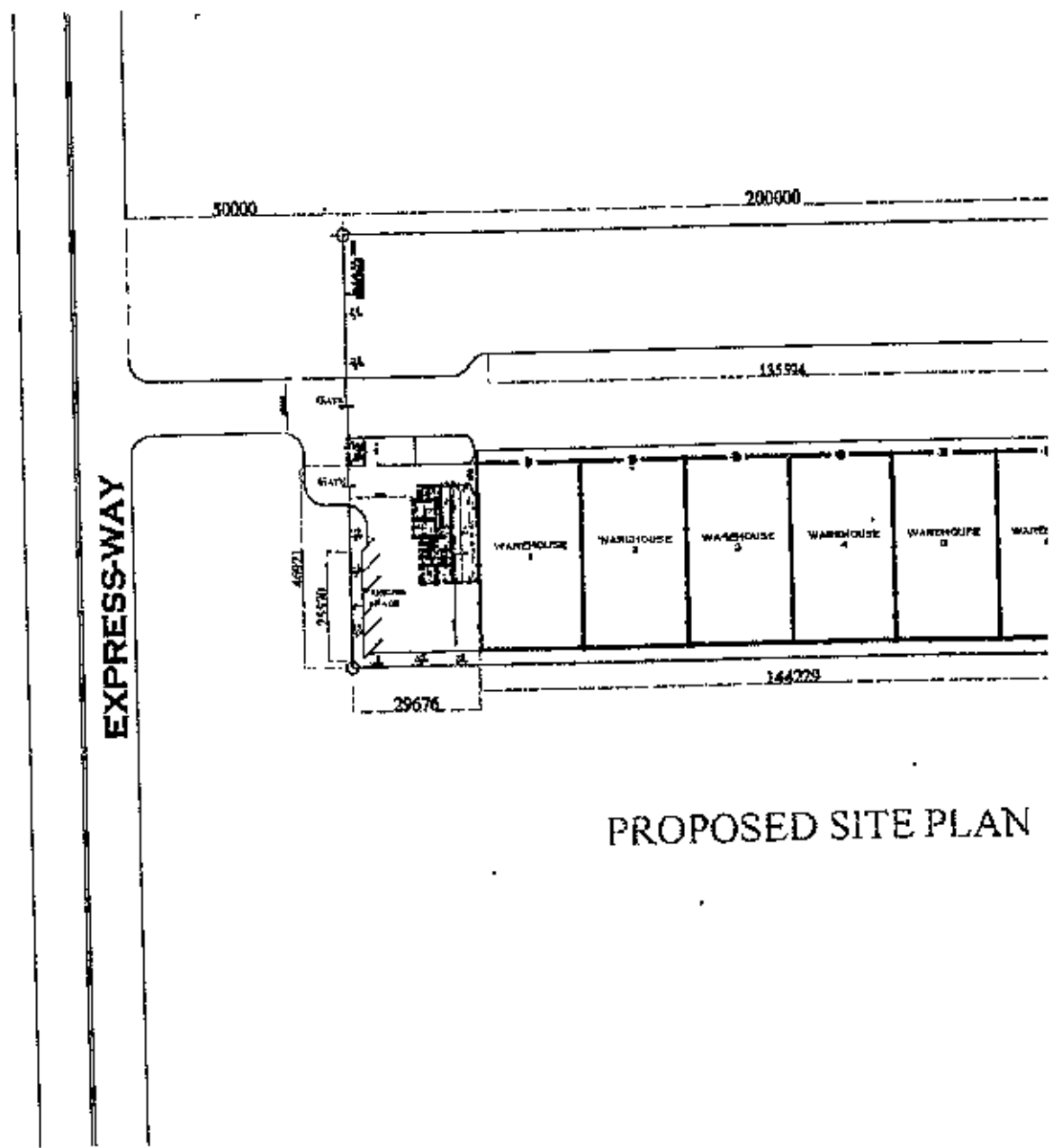
=N=	0.00
	5,000.00
	9,745,740.00
	0.00
	20,000.00
	40,000.00
	50,000.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	30,000.00
	0.00
	0.00
	9,890,740.00

NINE MILLION, EIGHT HUNDRED AND NINETY THOUSAND, SEVEN HUNDRED AND FORTY NAIRA ONLY

You are requested to attend to the attached comments before submitting extra copies of drawings for final approval

Thank you for your active participation in the development of Abuja

<<<B947849499CD2C2905E8D13384EA6A26>>>



PROPOSED SITE PLAN

FOIA 000286367



FEDERAL CAPITAL TERRITORY ADMINISTRATION

Official Receipt

from: District 12, House 14512
 nine million eight hundred and
 eight thousand seven hundred
 and four hundred and thirty
 five
 type: 12/10/10
 date: 12/10/10
 ink: 12/10/10
 value: 12/10/10

Date: 4/11/2014
Bank Teller No: 15125
Teller Date: 4/11/2014
Revenue Control: Anne Cook

[illegible]

Minalech

Cashier's Signature

Please verify correct lodgement Account from the Revenue Office.
Money once paid is not refundable.

ABUJA METROPOLITAN MANAGEMENT COUNCIL**DEPARTMENT OF DEVELOPMENT CONTROL**

No. 2 Juba Street, Wuse Zone 6, P.M.B. 5212 Abuja

FILE NO: FCDA/DC/BP/CID/16088

DATE: 20-Nov-2014

NAME OF DEVELOPER: DISTINCTIVE HOMES LIMITED

PLOT NO: 550

DISTRICT: Jiba

GAD. ZONE: F12

CONVEYANCE OF BUILDING PLAN APPROVAL

With reference to your application for approval of your proposed Building plan, you are hereby granted approval, subject absolutely to the following conditions which you are expected to read and abide by: -

- i. That you are to re-establish any missing beacons before approval would be given to you to commence with development.
- ii. That the approval is for development of one (1) suspended floor warehouse/office complex.
- iii. That the area reserved for garden and other open spaces as contained on the approval Site Layout, shall not be built-up in the future and at least 5 trees must be planted within the premises to protect the environment.
- iv. That you are to maintain fencing heights of 1.5m in the front elevation, or any side fronting any road, 0.5m of which is to be either of iron grill or perforated blocks; and 2.0m of solid sandcrete blocks at the rear and sides.
- v. That you are not permitted to fence the front and any side of the building abutting road(s). Side fencing must align with the foundation line of the building.
- vi. Fence is temporary structure. Its approval can be withdrawn by Development Control Department and demolished with seven (7) days notice without any compensation.
- vii. That you should notify the Authority and obtain Setting-out approval before you commence construction on the site.
- viii. That you shall not use such explosives whose vibration from your site could affect adjacent site and surroundings, during excavation of rock outcrop.
- ix. That the Authority is not liable for any fault arising from design, construction and usage failure or any deviation whatsoever from the conditions of this approval.
- x. That the building(s) if constructed shall only be used for the purpose for which the plan approval is granted and no change of usage is allowed without the formal consent of this Authority.
- xi. That a complete set of the approved Drawings be kept on site at all times during and after construction.
- xii. That you facilitate access to site by designated Development Control Staff at all times.
- xiii. That you are to maintain a DPC level of 0.45m above the established road level.
- xiv. That the Authority is not liable for any impact which your proposed building may suffer in the course of provision of the infrastructure in the area.
- xv. That during physical construction, concrete mixing, block moulding and any similar jobs should be strictly contained within your plot.
- xvi. Public right of way, storm water drains and similar public utilities should not be tampered with by the work on your site.
- xvii. That on completion, you must make fire-fighting provision for each dwelling unit/building and solid waste disposal/collection within the premises.
- xviii. That you report on completion work to the Authority so that an official will certify that the building(s) is/are suitable for human habitation, together with your built drawing.
- xix. That the approval of this plan automatically lapses after six (6) months and two (2) years from the date indicated herein if construction is not started and completed respectively.
- xx. That the Authority reserves the right to withdraw this approval at any stage of implementation if deems necessary.
- xxi. The verge between your building and the road (public right of way, storm water drains as well as similar public utilities should not be obstructed or tampered with.
- xxii. Note: That construction materials and waste found on any of the areas mentioned above will lead to closure of site pending payment of approved fines of N50,000.00 and N100,000.00 respectively each time.
- xxiii. That the fence/gate house should not be built until infrastructure is in place.
- xxiv. That this approval is considered void if it is discovered that any information leading to its grant is false or forged.
- xxv. That the building is subject to require renovation every four (4) years.
- xxvi. Failure to comply as stated above is contravention of the law, and the Authority will take appropriate action against you.

Please note that construction should not commence in area where the roads and infrastructure are not completed. The Chief Resident Engineer, for your District must be consulted for collection of information on all infrastructures serving your plot. There should be a Sign Board containing details of the plot i.e.

(a) Location

(b) Plot No.

(c) C of O No.

(d) Date of Building plan/Setting-Out Approval.

Thank you for active participation in the development of Abuja.

HAYA A. YUSUF
SECTOR DEV. CONTROL

EB1F5A3709C41C7453734EA235D69D13

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: FCT/HIC/CV/2

ALHAJI MAMMAN ZUBAIRU
(TRADING UNDER THE NAME
AND STYLE OF MOH'D ZUBAIRU
AND BROTHERS)
AND

CLAIMANTS

1. ABDULRAHAMMAN MUMAMMAD
2. DAILY NEED DISTRIBUTORS LIMITED
3. FEDERAL CAPITAL DEVELOPMENT
AUTHORITY
4. MINISTER OF FEDERAL CAPITAL
TERRITORY

DEFENDANTS

3RD AND 4TH DEFENDANTS' WITNESS STATEMENT ON OATH

I, Rifkai Ishaya Female, Christian, Nigerian Citizen of Department of Development Control of the 1st, 2nd and 3rd Defendant, hereby makes Oath and State as follows:-

1. That I am a Principal Estate Officer with the Lands Department of the Federal Capital Territory Abuja.
2. That by virtue of my position as aforesaid, I am conversant with the facts of this case.
3. That I have the consent and authority of my employers to depose to this Witness Statement on Oath.
4. That the plot is situate at Gbazango Phase 11 Layout, along Kubwa Expressway in Bwari Area Council, Federal Capital Territory, Abuja and within the jurisdiction of this Honourable Court, and deny the other part that the Claimant is the beneficial owner of the said plot No. 242 measuring about 3,000sqm and put the Claimant to the strictest proof of same.

5. That they are not privy to the transaction between the Claimant and Shehu Liman or any other person.
6. That the 4th Defendant did not allocate any plot of land in Gbazango Phase 11 Layout Kubwa, Abuja to the Claimant.
7. That the Claimant did not apply or submit any application for the allocation of plot of land with the 3rd and 4th Defendants.
8. That it is only the 4th Defendants that is saddled with the responsibility to allocate, revoke and deal with all the plots consisting of the Federal Capital Territory, Abuja.
9. That the purported allocation of the plot of land in Gbazango Phase 11, Layout Kubwa, Abuja was done by Abuja Municipal Area Council and purportedly signed by a Secretary of Rural Land Use Adjudication Committee.
10. That the Secretary of Rural Land Use Adjudication Committee has no right whatsoever to sign any allocation letter with respect to any plot of land comprising the Federal Capital Territory, Abuja.
11. That it is only the Department of Urban and Regional Planning of the 3rd and 4th Defendants that is responsible in establishing the Land Use of any area and re-designing of any District in the Federal Capital Territory, Abuja.
12. That the Urban and Regional Planning of the 3rd and 4th Defendant upon designing the District, the plot was changed to plot no 550 Jibi District, Kubwa Extension, Abuja.
13. That plot 56 Cadastral Zone 07-05 Kubwa is same plot as plot 550 Jibi District Cadastral Zone Zone & 12, Abuja.
14. That there is no way the 3rd and 4th Defendants would have issued a revocation notice to the Claimant as the Claimant was not allocated any plot by the 4th Defendant.
15. That since the creation of the Federal Capital Territory, Abuja, in 1976, the ownership of the entire area/land space comprising the Federal Capital Territory (Bwari District inclusive) became vested on the Federal Government of Nigeria.

16. That Federal Government of Nigeria through the President acting as the Governor of the Federal Capital Territory, exercises its right of ownership and control over land in the Federal Capital Territory including right to allocate and or revoke title over land in the Federal Capital Territory through the Minister of the Federal Capital Territory.
17. That the said right to allocate and or revoke title over land in the Federal Capital Territory being a statutory responsibility cannot be delegated and was never delegated to the Bwari Area Council, any Secretary Rural Land Use Adjudication Committee or any other person as far as land in Kubwa or anywhere within the Federal Capital Territory is concerned.
18. That the purported allocation of Plot No. 6 measuring 3000 Gbazango Extension Layout, Abuja was signed by the Secretary, Rural Land Use Adjudication Committee is illegal, null, void and of no effect.
19. That the right to allocate Land in the Federal Capital Territory being a statutory responsibility vested only on the Honourable Minister of the Federal Capital Territory, Abuja.
20. That the right being Statutory cannot be delegated.
21. That the Honourable Minister, Federal Capital Territory never authorized the Bwari Area Council Chairman, Secretary, Rural Land Use Adjudication Committee or any other person to allocate the said plot or issue any letter of allocations to the Claimant.
22. That the Honourable Minister, Federal Capital Territory gives authorization for all official functions for and on his behalf in writing.
23. That there was no instrument whatsoever authorizing the said purported allocation to the Claimants.
24. That upon the Application from **Distinctive Homes limited** dated 25th April, 2001 for an allocation of plot of land in the Federal Capital Territory, Abuja, the 4th Defendant considered the Application and plot 56 Cadastral Zone 07-05 Kubwa was allocated to **DISTINCTIVE HOMES LIMITED** vide an Offer of Statutory Right of Occupancy, dated 1st June, 2011.

25. That the said allocation of plot 56 Cadastral Zone 07-05 Kubwa was duly accepted by the allottee vide an Acceptance Letter of Offer of Grant of Right of Occupancy with the Federal Capital Territory, Abuja, dated 13th of June, 2001.

26. That the allottee of the Plot (**Distinctive Homes Limited**) applied for the issuance of the Certificate of Occupancy in respect of the said plot.

27. That upon the payment for the processing of the Certificate of Occupancy, the Certificate of Occupancy dated 24th of June, 2003, was issued to the said allottee (**Distinctive Homes Limited**).

28. That that in 2004, the 3rd and 4th Defendant introduce the recertification exercise wherein all allocations made from inception of the Federal Capital Territory, Abuja to 2003 were called for recertification.

29. That upon the recertification exercise, **DISTINCTIVE HOMES LIMITED** submitted her title documents for recertification.

30. That sequel upon the submission of the title documents by Distinctive Homes Limited, the old Certificate of Occupancy was cancelled and a new Certificate of Occupancy No. **17a5w-deacz-1268b-4a42u-7au3** dated **1st of March, 2012** vide File No. **MISC 51494** as issued to **Distinctive Homes Limited**.

31. That **Distinctive Homes Limited** applied for the registration of Power of Attorney in favour of **DAILY NEED DISTRIBUTORS LIMITED** vide its application dated 20th of June, 2014 with a Board Resolution dated 20th of June, 2014. The said Application dated 20th June, 2014 and Board Resolution are hereby pleaded and shall be relied upon at the trial of this suit.

32. That the said application for registration of Power of Attorney was considered and approved with that of other Applicants. The list of the Approval is hereby pleaded and shall be relied upon at the trial of this suit.

33. That upon the consideration and approval for the Registration of the Power of Attorney, the said Power of Attorney was registered in favour of **Daily Need Distributor Limited**. The said registered Power of Attorney is hereby pleaded and shall be relied upon at the trial of this suit.

34. That the Allottee (**DISTINCTIVE HOMES LIMITED**) applied for development permit to the Department Control of the 3rd and 4th Defendants.

35. That the Department of Development Control of the 3rd and 4th Defendants upon the receipt of the Drawings for Development made some observations on the drawings submitted to it by the Applicant.

36. That upon compliance with the observations by the Applicant, the drawings were approved and settlement of Building Plans Fees was issued to the Applicant. The said Department of Development Control Observation, Recommendation and Settlement of Building Plan Fees are hereby pleaded and shall be relied upon at the trial of this suit.

37. That upon the payment of the Building Plan Fees, the Applicant was issued with an official receipt No. FCTA 000286367 in the sum of **Nine Million, Eight Hundred and Ninety Naira, Seven Hundred and Forty Naira (N9,890,740.00)**.

38. That upon the settlement of the Building Plan fees, the Applicant was issued with Conveyance of Building Plan Approval dated 20th November, 2014.

39. That I deny the Claimants claim in its entirety and urge this Honourable Court to dismiss the suit with substantial cost for being frivolous, vexatious, gold digging and lacking merit.

40. That I depose to this Witness Statement on Oath in good faith believing same to be true and correct and in accordance with the Oaths Act, 2011.

Ruh
DEPONENT

SWORN TO at the High Court Registry
This ... 6th ... day of ... March ... 2023.

BEFORE ME
HIGH COURT OF THE FCT
ABUJA
COMMISSIONER FOR OATH
AISHA A. BAJOGA
06/03/2023