

PRELIMINARY OBJECTION:

- TITLE TO LAND

The Federal High Court cannot hear or confer title to land .

IWEZOR & ORS v. C.O.P. RIVERS STATE & ORS (2017) LPELR-45208(CA)

Principle

JURISDICTION - JURISDICTION OF THE FEDERAL HIGH COURT

- Whether the Federal High Court has jurisdiction to entertain land matters

"The trial Federal High Court had no jurisdiction to entertain the suit which had, as its principal or main relief in the cause of action, a claim of title to and ownership of parcels of land. The determination of rights, liabilities and title to land which is now subsumed in the Land Use Act, 1978, Laws of the Federation of Nigeria, 2004, be it Statutory Right or Customary Right, - Actual or deemed Right, and their incidences, have been exclusively vested in State High Courts or Customary/Area Courts as the case may be.

- STATUTE BARRED

The suit against the defendants is statute barred. Cause of action arose in 2007 against NEPA.

ADEGBAYI & ORS v. AKANDE (2018) LPELR-43881(CA)

Principle

LIMITATION LAW - LIMITATION PERIOD

- Effect of an action brought outside a statutorily limited period

"By the pleadings, the suit of Appellant hinges on a deed of conveyance (Exhibit B) executed in 1970. A suit which has limitation period of ten years (10 yrs.) which was commenced in 2005 against a grievance which occurred since 1982 most certainly was dead on arrival at the Registry of the trial Court such a suit is said to be statute barred or caught by the limitation period. (See BAUCHI STATE GOVERNMENT V. NPC & ANOR (2014) LPELR 23729 (CA). A suit which has run out of time is like a lifeless electric wire - it has lost all its potency." Per MONICA BOLNA'AN DONGBAN-MENSEM, JCA (Pp 15 - 16 Paras E - A)

If NEPA had simply folded up and not transferred to PHCN, the cause of action would have been statute barred. It is unreasonable to bring action to claim compensation for an action that arose in 2007.

Section 14 of the **ELECTRIC POWER SECTOR REFORM ACT** deals with Limitation of suit against a transferee. It states:

An action or other proceeding shall not be commenced against a transferee in respect of any employee, asset, liability, right or obligation that had been transferred to the transferee if, had there been no transfer, the time for commencing the action or other proceeding would have expired.

SIDE NOTE: We may also be inclined to say that NEPA/RHCN had earlier compensated the owners of said land in 2007. That is if we can get documents to prove it.