JUDICIAL (N.S) FORM 2A

HEARING NOTICE
IN THE HIGH COURT OF JUSTICE
NIGER STATE

SUIT NO. NSHC/MN/49/2024

BETWEEN

GARBA GALADIMA PAIDA PLAINTIFF(S)

AND

GOVERNOR OF NIGER STATE & 4 ORS DEFENDANT(S)

Take notice that this action (or matter) will be heard by this court at High Court No. 5 MINNA on the 12TH day of MARCH 2024 at 9 o'clock and that if you do not attend at the time place mentioned such order will be made as the court thinks just.

Dated HIGH COURT At Minna the 19TH Day of FEBRUARY 2024

HIGH COURT OF JUSTICE
SIGN..... DATE.....
NIGER STATE

Registrar of the Court

To (name and address of person to whom notice is given)

THE NATIONAL HYDRO ELECTRIC POWER PRODUCING, AREA DEVELOPMENT COMMISSION ABDULSALAM ABUBAKAR WAY SENATOR DAHIRU AWAISU KUTA COMPLEX MINNA NIGER STATE.

IN THE NIGER STATE HIGH COURT OF JUSTICE OF NIGERIA
IN THE MINNA JUDICIAL DIVISION
HOLDEN AT MINNA

SUIT NO.....

IN THE MATTER OF AN APPLICATION BY GARBA GALADIMA PAIDA FOR AN ORDER FOR THE ENFORCEMENT OF HIS FUNDAMENTAL HUMAN RIGHTS TO FAIR HEARING AND OWN IMMOVABLE PROPERTY AS ENTRENCHED IN SECTIONS 36, 43, 44(1)A-B AND 46 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED), THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) 1948 AND AFRICAN CHARTER ON HUMAN RIGHT AND PEOPLES' RIGHTS (RATIFICATION AND ENFORCEMENT) ACT CAP A9 L.F.N. 2004.

BETWEEN

GARBA GALADIMA PAIDA .....APPLICANT

(Suing for himself and on behalf of the family of Late Galadima Paida)

AND

1. GOVERNOR OF NIGER STATE
2. HON. ATTORNEY GENERAL AND COMMISSIONER OF JUSTICE NIGER STATE
3. HON. COMMISSIONER OF LAND & HOUSING, NIGER STATE
4. NIGER STATE TRUST FUND
5. NATIONAL HYDRO ELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION .....RESPONDENTS

ORIGINATING MOTION ON NOTICE

BROUGHT PURSUANT TO SECTION 36,43,44 AND 46 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, ARTICLE

10 AND 17 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) 1948, ARTICLE 7 AND 14 OF AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHT (RATIFICATION AND ENFORCEMENT) ACT CAP 9, LAWS OF FEDERATION OF NIGERIA 2004, ORDER 2, RULE 2 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURES) RULES 2009 AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

TAKE NOTICE that this Honourable Court shall be moved on the ___ day of _____, 2024 at the hour of 9 0'clock in the forenoon or so soon thereafter as the business of the Court shall permit, hear the Applicant or his Counsel praying the Honourable Court for the following reliefs:

(1) A DECLARATION that under Sections 36, 43 and 44 of the Constitution of the Federal Republic of Nigeria 1999, as amended, Article 10 and 17 of the Universal Declaration of Human Rights (UDHR) 1948 and Article 7 and 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004, the 1st Respondent lacks the power to take-over the possession and right over the Applicant's farm land without prior Notice of acquisition for overriding public purpose and payment of adequate compensation.

(2) A DECLARATION that the divesting possession and right of the Applicant by the 1st Respondent over their farm land compulsorily is illegal, Invalid and null and void and of no effect whatsoever.

(3) A DECLARATION that re-allocation of the Applicant's farmland to the 4th respondent by the 1st Respondent of the Applicant's farmland to the 4th respondent by the 1st Respondent via Certificate of Occupancy Number

NG/MN/611, measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) and situate at Tunga, Chanchaga Local Government Area, Niger State, is illegal, invalid and null and void and of no effect whatsoever.

(4) A DECLARATION that the Certificate of Occupancy Number - NG/MN/611, measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) granted by the 1st Respondent to the 4th respondent is illegal, invalid and null and void and of no effect whatsoever.

(5) An order restraining the 1st, 2nd, 3rd, 4th and 5th Respondents from further taking possession of the farmland or interfering with the Applicant's rights and interests therein.

(6) ANY OTHER ORDER OR FURTHER ORDERS as the Honourable Court may deem fit and proper to make in the circumstance.

IN ALTERNATIVE

(7) An ORDER directing the 1st to 5th Respondents, jointly and severally, to pay to the Applicant the sum of One Billion Naira (N1,000,000,000.00k) as adequate compensation for the compulsory acquisition of the Applicant farmland.

(8) 5% (percent) monthly post-judgment interest from the date of judgment until judgment sum is fully liquidated.

(9) ANY OTHER ORDER OR FURTHER ORDERS as the Honourable Court may deem fit and proper to make in the circumstance.

TAKE FURTHER NOTICE that the ground upon which the application is brought and facts relied upon is contained in the statement of facts attached to this process.

DATED THIS 8th DAY OF January, 2024

I.J. Ibrahim Esq
Gimba Hassan Esq.
Applicant's Counsel,
Guidance Chambers,
Opposite AEDC Office, Tunga,
Minna Niger State
08036981234.

4 **FOR SERVICE ON:**

1. GOVERNOR OF NIGER STATE
2. HON. ATTORNEY GENERAL AND the COMMISSIONER OF JUSTICE NIGER STATE
3. HON. COMM. OF LAND & HOUSING, NIGER STATE
4. NIGER STATE TRUST FUND.

C/O the Office of Attorney General and Commissioner for Justice, Minna, Niger State

5. The National Hydro Electric Power, Producing Area Development Commission, Abdulsalam Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

IN THE NIGER STATE HIGH COURT OF JUSTICE OF NIGERIA
IN THE MINNA JUDICIAL DIVISION
HOLDEN AT MINNA

SUIT NO.....

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BETWEEN

GARBA GALADIMA PAIDA .....APPLICANT

(Suing for himself and on behalf of the family of Late Galadima Paida)

AND

1. GOVERNOR OF NIGER STATE
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4.NIGER STATE TRUST FUND
5.NATIONAL HYDRO ELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION .....RESPONDENTS

APPLICANT'S AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, GARBA GALADIMA PAIDA Adult, Male, Muslim, Farmer of Shango Area, Chanchaga Local Government Area of Minna, Niger State do solemnly make Oath and state as follows:

1. That I am the deponent herein and the Applicant in this suit by the virtue of which I am conversant with the fact of this case.
2. That I am the head of Family of Late Galadima Paida.
3. That we hold the deemed Statutory Rights of Occupancy over the large piece of land re-allocated to the 4th respondent by the 1st Respondent covered by Certificate of Occupancy Number NG/MN/611 measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) and situate at Tunga, Chanchaga Local Government Area, Niger State.
4. That 1st Respondent compulsorily acquired our family land without prior Notice to us.
5. That no prior enumeration and assessment of payable and adequate compensation was carried-out.
6. That our land is currently in possession of the 5th Respondent in this suit.
7. That the current market value of our farmland, granted to the 4th respondent covered by Certificate of Occupancy Number NG/MN/611 measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) is one billion (1,000,000,000.00k) naira.
8. That our solicitor on our instruction wrote a letter dated 12th October, 2023 to the 1st Respondent and copied the 2nd, 3rd and 5th respondents demanding vacant possession of our family land; The letters dated 12th October, 2023 to the 1st,2nd,3rd, and 5th Respondents are hereby attached and marked as Exhibit GGP1, GGP2,GGP3,and GGP4 respectively.
9. That the Respondents are yet to comply with our demand till date.

10.That I depose to this Affidavit conscientiously and in good faith believing the facts deposed-to to be true and correct, and, in accordance with the oaths Act.

Deponent

ILLITERATE JURAT

The content of this affidavit was read and interpreted to the deponent from English to Hausa and vice versa by me Ibrahim Idrisu and the Deponent having understood same before affixing his signature.

I.D

INTERPRETER

SWORN TO AT THE HIGH COURT REGISTRY, MINNA
This.....12th.....day of.....March.....2024.

BEFORE ME

HIGH COURT OF JUSTICE
COMMISSIONER FOR OATH
CENTRAL REGISTRY
HAUWA IBRAHIM
SECRETARY
STATE OF NIGERIA

COMMISSIONER FOR OATHS 12/03/2024

IN THE NIGER STATE HIGH COURT OF JUSTICE OF NIGERIA
IN THE MINNA JUDICIAL DIVISION
HOLDEN AT MINNA

SUIT NO.....

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BETWEEN

GARBA GALADIMA PAIDA .....APPLICANT

(Suing for himself and on behalf of the family of Late Galadima Paida)

AND

1. GOVERNOR OF NIGER STATE
2. HON. ATTORNEY GENERAL AND COMMISSIONER OF JUSTICE NIGER STATE
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4. NIGER STATE TRUST FUND
5. NATIONAL HYDRO ELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION .....RESPONDENTS

STATEMENT MADE PURSUANT TO ORDER 2, RULE 3 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURES) RULES 2009

A. NAME AND DESCRIPTION OF THE APPLICANT

The Applicant is GARBA GALADIMA PAIDA, a Farmer and family head of Late GALADIMA PAIDA of Shango Area, Chanchaga Local Government Area of Minna, Niger State.

B. RELIEFS SOUGHT BY THE APPLICANT

(1) A DECLARATION that under Sections 36, 43 and 44 of the Constitution of the Federal Republic of Nigeria 1999, as amended, Article 10 and 17 of the Universal Declaration of Human Rights (UDHR) 1948 and Article 7 and 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004, the 1st Respondent lacks the power to take-over the possession and right over the Applicant's farm land without prior Notice of, acquisition for overriding public purpose and payment of adequate compensation.

(2) A DECLARATION that the divesting possession and right of the Applicant by the 1st Respondent over their farm land compulsorily is illegal, invalid and null and void and of no effect whatsoever.

(3) A DECLARATION that re-allocation of the Applicant's farmland to the 4th respondent by the 1st Respondent of the Applicant's farmland to the 4th respondent by the 1st Respondent via Certificate of Occupancy Number NG/MN/611, measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) and situate at Tunga, Chanchaga Local Government Area, Niger State, is illegal, invalid and null and void and of no effect whatsoever.

(4) A DECLARATION that the Certificate of Occupancy Number - NG/MN/611, measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) granted by the 1st Respondent to the 4th respondent is illegal, invalid and null and void and of no effect whatsoever.

(5) An order restraining the 1st, 2nd, 3rd, 4th and 5th Respondents from further taking possession of the farmland or interfering with the Applicant's rights and interests thereln.

(6) ANY OTHER ORDER OR FURTHER ORDERS as the Honourable Court may deem fit and proper to make in the circumstance.

IN ALTERNATIVE

(7) An ORDER directing the 1st to 5th Respondents, jointly and severally, to pay to the Applicant the sum of One Billion Naira (N1,000,000,000.00k) as adequate compensation for the compulsory acquisition of the Applicant farmland.

(8) 5% (percent) monthly post-judgment interest from the date of judgment until judgment sum is fully liquidated.

(9) ANY OTHER ORDER OR FURTHER ORDERS as the Honourable Court may deem fit and proper to make in the circumstance.

C. GROUND FOR SEEKING RELIEF

1. The Applicants by the virtue of section 36, 43 and 44 of the 1999 Constitution of Federal Republic of Nigeria (as Amended), Article 10 and 17 of the Universal Declaration of Human Rights (UDHR) 1948 as well as Article 7 and 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9,

Laws of Federation of Nigeria 2004 is entitled to right to fair hearing and freedom to own and have possession of immovable property.

2. The Applicant's rights to fair hearing and own immovable property and Compensation in the event of compulsory acquisition of right and possession have been breached
3. The Applicant is suing in respect of forceful takeover of right and possession his family land measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 (0.738 hectares) and situate at Tunga, Chanchaga Local Government Area, Niger State.
4. The 1st, 2nd, 3rd, 4th and 5th Respondents forcefully took possession and right over the land without notifying the Applicant, thereby denying Applicant fair hearing and free usage of Applicant's farm land without complying with the lawful procedure on acquisition.
5. The Applicant has right to enforce his fundamental human right when his rights have been breached, are being breached or likely to be breached.

DATED THIS 8th DAY OF January, 2024

I.J. Ibrahim Esq
Gimba Hassan Esq.
Applicant's Counsel,
Guidance Chambers,
Opposite AEDC Office, Tunga,
Minna Niger State
08036981234.

FOR SERVICE ON:
1. GOVERNOR OF NIGER STATE
2. HON. ATTORNEY GENERAL AND the COMMISSIONER OF JUSTICE NIGER STATE

C/O the Office of Attorney General and Commissioner for

3. HON. COMM. OF LAND & HOUSING,NIGER STATE Justice, Minna, Niger State

4.NIGER STATE TRUST FUND.

5. The National Hydro Electric Power, Producing Area Development Commission, Abdulsalam Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

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5. NATIONAL HYDRO ELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION .....RESPONDENTS

WRITTEN ADDRESS

1.0.0 INTRODUCTION

1.0.1 My Lord, this is a motion for enforcement of the fundamental Human right of the Applicant brought pursuant to Section 36,43, 44(a to b) and 46 of the 1999

Constitution (as amended), Order 2 Rule 2 of the Fundamental Enforcement procedure rules 2009, Article 10 and 17 of the Universal Declaration of Human Rights (UDHR) 1948 and Article 7 and 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004 and under the inherent jurisdiction of this Honourable court.

1.0.2 The motion is praying for an order of this Honorable Court enforcing the right of the Applicant fundamental Human right to fair hearing and immovable property.

1.0.3 My Lord, this application is supported by 10 paragraphs affidavit deposed to by the Applicant himself. We rely on all the averments in the said affidavit in support and urge this Honorable Court to grant all our prayers as prayed on the motion paper.

2.0.0 ISSUES FOR DETERMINATION

2.0.1 The Applicant formulates the following issues for determination (the first and second issues are for the main relief while the last issue is for the alternative relief):

(1) Having regard to Section 36(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, Article 10 of the Universal Declaration of Human Rights (UDHR) 1948 as well as Article 7 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004 and Sections 28 and 44 of the Land Use Act 1978 whether the 1st Respondent breached the Applicant's right to fair hearing.

(2) Having regard to the provisions of Sections 43 and 44(1)-(a); (b) of the Constitution of the Federal Republic of Nigeria 1999 as amended, Article 17 of the Universal Declaration of Human Rights (UDHR) 1948 as well as Article 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004 and section 28(4) of the Land Use Act 1978, can the 1st Respondent forcefully take-over possession of the Applicant's landed property (farmlands) without prior notice of acquisition for overriding public purpose and payment of adequate compensation.

(3) Whether the Applicant is entitle to adequate compensation for the compulsory acquisition of the applicant's farmland?

3.0.0 ARGUMENT ON ISSUES FORMULATED

3.1.1 **ISSUE NO.1**

(1) Having regard to Section 36(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, Article 10 of the Universal Declaration of Human Rights (UDHR) 1948 as well as Article 7 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004 and Sections 28 and 44 of the Land Use Act 1978 whether the 1st Respondent breached the Applicant's right to fair hearing.

3.1.1 We answer the afore question in the affirmative.

3.1.2 We submit with respect that the applicant is entitled to be heard on the proposed compulsory acquisition of his deemed statutory right of occupancy. We respectfully urge this Honourable Court to so hold in the light of the Supreme Court case of ORIANZI v. AG RIVERS STATE & ORS (2017) LPELR-41737(SC) where the apex held thus:

The title holder is not only entitled to the notice of the proposed revocation with the public purpose for the revocation clearly spelt out therein, he is also entitled to be heard on the proposed revocation of his title. My firm view, on this, is that reading Sections 28 and 44 of the Land Use Act together with Section 36(1) of the Constitution, the Governor when it behoves him to revoke any Right of Occupancy in or over any landed property has a duty to act quasi-judicially and in transparent manner. Even if no label of judicially or quasi-judicially may be placed on the Governor to so act, his duty to act fairly can not be denied since he has a duty to give notice of the intended revocation wherein he must spell out the public purpose of the intended revocation to the title holder. See HART v. MILITARY GOVERNOR, RIVERS STATE & ORS, (1976) 11 SC (Reprint) 109. (Underline mine for emphasis).

See also the case of NIGERIA ENGINEERING WORKS LTD . v. DENAP LTD & ANOR (2001) LPELR-2002 (SC).

See also Article 7 of the African Charter. Article 7 of the Charter **relates directly to the Right to Fair Trial.** It stipulates that: 1. Every individual shall have the right to have his cause heard.

We humbly urge my Lord to so hold, and to resolve Issue No.1 in favour of the Applicant.

3.2.1 ISSUE NO.2

(2) Having regard to the provisions of Sections 43 and 44(1)-(a), (b) of the Constitution of the Federal Republic of Nigeria 1999 as amended, Article 17 of the Universal Declaration of Human Rights (UDHR) 1948 as well as Article 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004 and section 28(4) of the Land Use Act 1978, can the 1st Respondent forcefully take-over possession of the Applicant's landed property (farmlands) without prior notice of acquisition for overriding public purpose and payment of adequate compensation.

3.2.2We humbly submit that Section 43 of the Constitution of Federal Republic of Nigeria, 1999 guarantees individual ownership of immovable property anywhere in Nigeria. For the purpose of emphasis, we humbly seek to reproduce the said section hereunder:

"Subject to the provisions of this constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria,"

See also Article 17 of the Universal Declaration of Human Rights

Article 17

Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

See also Article 14 of African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 9, Laws of Federation of Nigeria 2004

Article 14

"The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws."

3.2.3 Furthermore, if the aforesaid right of ownership envisaged by the Constitution is to be forfeited vide acquisition by the Government or any other authority/institution, then it must be for over-riding public interest.

However notice must be given to the owners of such land, by the Governor, declaring same to be required for public purposes.

We humbly refer the Honourable Court to Section 29(4)Land Use Act 1978.

Section 29(4)

"The Governor shall revoke a right of Occupancy in the event of the issue of a notice by or on behalf of the president if such notice declares such land to be required by the Government for public purposes."

Upon completion of the acquisition process, there must be prompt payment of compensation to the Owners of land.

We refer the Honourable Court to section 44(1)(a) & (b) of the Constitution of Federal Republic of Nigeria 1999 (As amended), which provides:

Section 44

"(1) No immovable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things-

(a) Requires the prompt payment of compensation therefore; and

(b) Gives to any person claiming such compensation a right of access for the determination of his interest in the property and amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria."

3.2.4 In giving effect to the requirement of giving notice to Owners of land intended for acquisition, the Supreme Court minced no words when it underscored the position of service of notice of revocation as a pre-requisite for a valid acquisition of private property by the Government.

In the case of: ONONUJU v. AG ANAMBRA STATE (2009)2 NWLR p. (1148) 182 @ p. 221, the Supreme Court held inter alia:

> **"A publication in the Gazette of a notice of Revocation without personal service of same on the person(s) concerned does not make the acquisition/revocation valid...**
>
> **... In the instant case, the revocation of the rights of the Appellants in the land in question was invalid for reason of non-service of the statutorily required Notice of revocation/acquisition and consequently null and void ab initio. It follows therefore that any subsequent step taken by the 1st and 2nd Respondents in consequence of the revocation/acquisition such as grant of a portion of the respondent, for whatever purposes, whether public or private was clearly null and void as one cannot put something on nothing and expect it stand."** (underlining mine for emphasis)

3.2.5Furthermore, in the case of NIGERIA ENGINEERING WORKS LTD . v. DENAP LTD & ANOR (2001) LPELR-2002 (SC), the Supreme Court, in considering the failure of Intention to revoke the Right of Occupancy on the 1st Respondent, held as follows:

> **"The powers of the Governor to revoke any right of occupancy must be exercised in the overriding interest of the public and more importantly the holder of the right of occupancy being revoked must be notified in advance of the revocation. The notice to the holder must state reasons or reasons for the revocation and this will give the holder the opportunity to make any representation he or she wishes to make. Where the notice was not given or notice given was inadequate or not given in compliance with the provisions of the Act, the act of the exercise of revocation under section 28 of the Act will be null and void ...**
>
> (underlining mine for emphasis).

IN BARAYA V. ABDULLAHI (2017) LPELR-43371 (CA)the Court held that-

"Without valid notice of revocation, the original owner cannot be divested of his interest in the land. His interest still subsists."

See also ATOBATELE v. LEKKI CONCESSION COMPANY LTD & ANOR (2017) LPELR - 43041 (CA).

C.S.S. BOOKSHOPS LTD. v. R.T.M.G.R.S & 3 ORS (2006) 11 NWLR (pt. 992) 530 at 578 paras D-E.

3.2.6 And on the requirement of prompt payment of compensation during compulsory acquisition of land by Government, the Supreme Court in the case of ELF PETROLEUM v. UMARU & ORS. (2018) LPELR- 43600 (SC) held thus:

"It is pertinent to state that this Court by its decision in the case of PROVOST LAGOS STATE COLLEGE OF EDUCATION & ORS v. KOLAWOLE EDUN & ORS.(2004) 6 NWLR (pt. 870) pg. 476 @ 509 decided that Government has the constitutional Right to compulsorily acquire property on payment of compensation by virtue of Section 40 of the 1999 Constitution now Section 44(1)(a) & (b) of the 1999 Constitution. By logical extension and deduction thereof, it holds right to say that where property including land is acquired compulsorily by Government and surely oil companies, such as in the present case, the payment of adequate compensation is obviously imperative .... the right to own property carries with it the right to dispose also of the said property.

It is not logical therefore that the appellant in this case should acquire the land of the Respondents without paying adequate compensation to them see also KUKOYI & ORS v. AINA (1999)10 NWLR(pt.624)pg.233@245." (underline mine for emphasis)

We respectfully submit that, by the foregoing authorities, the only conditions under which the Respondents would be allowed to compulsorily acquire Applicant Farm land is upon issuance of notice of acquisition, and prompt payment of adequate compensation to the Applicant.

We humbly urge my Lord to so hold, and to resolve Issue No.2 in favour of the Applicant.

3.3.1ISSUE 3

Whether the Applicant is entitled to adequate compensation for the compulsory acquisition of the applicant's farmland?

3.3.2 My Lord, this issue was formulated in respect of the alternative relief for compensation, and we answer the issue in the affirmative. We refer this Honourable Court to the case of AG MID-WESTERN STATE v. ESI (1977) LPELR-3155(SC):
"Under these principles the owner of land compulsorily acquired is entitled to the market value of that land at the time the intention to acquire was made known to him. In other words, under Cap 105 aforesaid the interest of every owner (or proprietor) of land and buildings thereon shall be valued rebus sic stantibus just as it exists at the time when the notice of intention to acquire was served on him." Per CHUKWUNWEIKE IDIGBE, JSC (Pp 18 - 20 Paras F - A).

See also the case of ELF PETROLEUM v. UMARU & ORS. (2018) LPELR- 43600 (SC)

We humbly urge my Lord to so hold, and to resolve Issue No.3 in favour of the Applicant.

4.0 **CONCLUSION**

4.1 The Applicant in this suit has established that he has unalienable right to fair hearing and to own immovable property and compensation in the event of compulsory acquisition under Chapter 4 of 1999 Constitution. The Applicant has also established that the right becomes enforceable upon being breached or likely to be breached by the Respondents. The Applicant has established that his guaranteed rights were breached by the respondents.

4.2. It is in this light we most humbly urge this Honorable Court to grant all the prayers of the Applicant.

4.3 We are most oblige!

8th DAY OF January, 2024

I.J. Ibrahim Esq
Gimba Hassan Esq.
Applicant's Counsel,
Guidance Chambers,
Opposite AEDC Office, Tunga,

Minna Niger State
08036981234.

FOR SERVICE ON;

1. GOVERNOR OF NIGER STATE
2.HON. ATTORNEY GENERAL AND the COMMISSIONER OF JUSTICE NIGER STATE
3. HON. COMM. OF LAND & HOUSING,NIGER STATE
4.NIGER STATE TRUST FUND,

C/O the Office of Attorney General and Commissioner for Justice, Minna, Niger State

5. THE MANAGING DIRECTOR,
NATIONAL HYDRO ELECTRIC POWER.,
PRODUCING AREA DEVELOPMENT COMMISSION,
Abdulsalam Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

EXHIBIT GGP1

SOLICITORS IN CHAMBERS:
ISIHAKA I. JIJIMBU
ABDULMALIK MAKAMA
MOHAMMED IBRAHIM
IDRIS IBRAHIM

SIR JIJIMBU & CO.

Legal Practitioners, Notary Public Arbitrators & Legal Consultants.
Abdullahi Kasim House Opposite Nepa Office/Farm Centre, Tunga, Minna, Niger State, Nigeria.
08036961234, 08038238080, 08037505267
E-mail: guidancechambers@gmail.com

GOVERNMENT HOUSE RECEIVED 21 NOV 2023 SIGN MINNA NIGER STATE

November, 2023

The Executive Governor of Niger State
Government House,
Minna, Niger State

Your Excellency,

LETTER OF DEMAND/PRE-ACTION NOTICE FOR THE RECOVERY OF LAND COVERED BY COFO NUMBERS NG/MN/610 AND NG/MN/611 AND GRANT TO NIGER STATE TRUST FUND SITUATE AT ALONG A.A WAY SPACE OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/611 IS CURRENTLY BEING USED BY HYPPADEC AS THEIR NATIONAL HEADQUARTER WHILE THAT OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/610 REMAINS UNDEVELOPED, TUNGA, CHANCHAGA LOCAL GOVERNMENT AREA, MINNA, NIGER STATE

The above subject matter refers:

We are solicitors to Garba Galadima Paida (herein referred to as our client) the Family Head of Late Galadima Paida, Shango Area, Minna, Niger State.

We have the authority and instruction of our client to write you to recover the lands covered by Certificate of Occupancy Number NG/MN/611 and NG/MN/610 situate at Abdulsalam Abubakar Way Tunga, Chanchaga LGA, Minna, Niger State for **LACK OF COMPENSATION.**

It is our client brief that they are the natives and first settlers (owners) of the vast expanse of land, Niger State Government **FORCEFULLY ACQUIRED** and granted same to Niger State Trust Fund vide Certificate of Occupancy Number NG/MN/610 and NG/MN/611. Space for the Certificate of Occupancy Number NG/MN/611 is currently facing occupied by the National Headquarter of Hydro Power Producing Areas Development Commission currently.

Consequently, we demand the vacant possession of the lands as described above the Certificate of Occupancy No. NG/MN/611 is measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 metres (0.738 hectares) within 30 (thirty) days from the date of receipt of this letter.

The Certificate of Occupancy Number NG/MN/610 is measuring 103:86 metres by 67.85 metres by 62.59 metres by 50.10 metres by 45.80 metres by 35.0 metres by 39.99 metres by 39.99 metres (0.967 hectares).

Take notice that if Niger State Government fail to give up the vacant possession of the said lands as described above; we shall proceed to institute legal action to recover same in a court of law.

While we anticipate your prompt response, please, accept the assurances of our esteemed regards.

Yours faithfully,

I.J Ibrahim Esq
SIR JIJIMBU & CO
08036981234

CC:

1. The Honorable Commissioner, Niger State Ministry of Land and Housing Minna, Niger State.
2. The Attorney General & Commissioner for Justice Niger State, Ministry of Justice, Minna, Niger State.
3. The Managing Director, Niger State Trust Fund Minna, Niger State, Nigeria.
4. The Managing Director, National Hydro Electric Power Producing Area Development Commission, Abdulsalm Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

Sirs,
Above is for your information, notice and necessary action, please.

Yours faithfully,

I.J Ibrahim Esq
SIR JIJIMBU & CO
08036981234

EXHIBIT GOP 2

...S IN CHAMBERS:
...JIJIMBU
...MALIK MAKAMA
...MMED IBRAHIM
...S IBRAHIM

SIR JIJIMBU & CO.

Legal Practitioners, Notary Public Arbitrators & Legal Consultants.
Abdullahi Kasim House Opposite Nepa Office/Farm Centre, Tunga, Minna, Niger State, Nigeria.
08036981234, 08086238080, 08037505267
E-mail: guidancechambers@gmail.com

12th October, 2023

The Executive Governor of Niger State
Government House,
Minna, Niger State

21/11/2023

Your Excellency,

LETTER OF DEMAND/PRE-ACTION NOTICE FOR THE RECOVERY OF LAND COVERED BY COFO NUMBERS NG/MN/610 AND NG/MN/611 AND GRANT TO NIGER STATE TRUST FUND SITUATE AT ALONG A.A WAY SPACE OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/611 IS CURRENTLY BEING USED BY HYPPADEC AS THEIR NATIONAL HEADQUARTER WHILE THAT OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/610 REMAINS UNDEVELOPED, TUNGA, CHANCHAGA LOCAL GOVERNMENT AREA, MINNA, NIGER STATE

The above subject matter refers:

We are solicitors to Garba Galadima Paida (herein referred to as our client) the Family Head of Late Galadima Paida, Shango Area, Minna, Niger State.

We have the authority and instruction of our client to write you to recover the lands covered by Certificate of Occupancy Number NG/MN/611 and NG/MN/610 situate at Abdulsalam Abubakar Way Tunga, Chanchaga LGA, Minna, Niger State for **LACK OF COMPENSATION.**

It is our client brief that they are the natives and first settlers (owners) of the vast expanse of land, Niger State Government **FORCEFULLY ACQUIRED** and granted same to Niger State Trust Fund vide Certificate of Occupancy Number NG/MN/610 and NG/MN/611. Space for the Certificate of Occupancy Number NG/MN/611 is currently facing occupied by the National Headquarter of Hydro Power Producing Areas Development Commission currently.

Consequently, we demand the vacant possession of the lands as described above the Certificate of Occupancy No. NG/MN/611 is measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 metres (0.738 hectares) within 30 **(thirty) days from the date of receipt of this letter.**

The Certificate of Occupancy Number NG/MN/610 is measuring 103.86 metres by 67.85 metres by 62.59 metres by 50.10 metres by 45.80 metres by 35.0 metres by 39.99 metres by 39.99 metres (0.967 hectares).

Take notice that if Niger State Government fail to give up the vacant possession of the said lands as described above; we shall proceed to institute legal action to recover same in a court of law.

While we anticipate your prompt response, please, accept the assurances of our esteemed regards.

Yours faithfully,

I.J Ibrahim Esq
SIR JIJIMBU & CO
08036981234

CC:

1. The Honorable Commissioner, Niger State Ministry of Land and Housing Minna, Niger State.
2. The Attorney General & Commissioner for Justice Niger State, Ministry of Justice, Minna, Niger State.
3. The Managing Director, Niger State Trust Fund Minna, Niger State, Nigeria.
4. The Managing Director, National Hydro Electric Power Producing Area Development Commission, Abdulsalm Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

Sirs,
Above is for your information, notice and necessary action, please.

Yours faithfully,

I.J Ibrahim Esq
SIR JIJIMBU & CO
08036981234

EXHIBIT GGP 3

SIR JIJIMBU & CO.

Legal Practitioners, Notary Public Arbitrators & Legal Consultants.

Abdullahi Kadim House Opposite Nepa Office/Farm Centre, Tunga, Minna, Niger State, Nigeria.

08036981234, 08088238080, 08037505267

E-mail: guidancechambers@gmail.com

IN CHAMBERS:

JIJIMBU
ALIK MAKAMA
MED IBRAHIM
IBRAHIM

12th October, 2023

The Executive Governor of Niger State
Government House,
Minna, Niger State

Office of Hon Commissioner
Min. of Land, Surv. & Town Planning
P. M. B. 65, Minna
RECEIVED 21/11/23
Sign

Your Excellency,

LETTER OF DEMAND/PRE-ACTION NOTICE FOR THE RECOVERY OF LAND COVERED BY COFO NUMBERS NG/MN/610 AND NG/MN/611 AND GRANT TO NIGER STATE TRUST FUND SITUATE AT ALONG A.A WAY SPACE OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/611 IS CURRENTLY BEING USED BY HYPPADEC AS THEIR NATIONAL HEADQUARTER WHILE THAT OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/610 REMAINS UNDEVELOPED, TUNGA, CHANCHAGA LOCAL GOVERNMENT AREA, MINNA, NIGER STATE

The above subject matter refers:

We are solicitors to Garba Galadima Paida (herein referred to as our client) the Family Head of Late Galadima Paida, Shango Area, Minna, Niger State.

We have the authority and instruction of our client to write you to recover the lands covered by Certificate of Occupancy Number NG/MN/611 and NG/MN/610 situate at Abdulsalam Abubakar Way Tunga, Chanchaga LGA, Minna, Niger State for **LACK OF COMPENSATION.**

It is our client brief that they are the natives and first settlers (owners) of the vast expanse of land, Niger State Government **FORCEFULLY ACQUIRED** and granted same to Niger State Trust Fund vide Certificate of Occupancy Number NG/MN/610 and NG/MN/611. Space for the Certificate of Occupancy Number NG/MN/611 is currently facing occupied by the National Headquarter of Hydro Power Producing Areas Development Commission currently.

Consequently, we demand the vacant possession of the lands as described above the Certificate of Occupancy No. NG/MN/611 is measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 metres (0.738 hectares) within 30 (thirty) days from the date of receipt of this letter,

The Certificate of Occupancy Number NG/MN/610 is measuring 103.86 metres by 67.85 metres by 62.59 metres by 50.10 metres by 45.80 metres by 35.0 metres by 39.99 metres by 39.99 metres (0.967 hectares).

Take notice that if Niger State Government fail to give up the vacant possession of the said lands as described above; we shall proceed to institute legal action to recover same in a court of law.

While we anticipate your prompt response, please, accept the assurances of our esteemed regards.

Yours faithfully,

NIGERIAN BAR ASSOCIATION NBA ISHAKU IBRAHIM JIJIMBU SCN018430

LJ Ibrahim Esq
SIR JIJIMBU & CO
08036981234

CC:

1. The Honorable Commissioner, Niger State Ministry of Land and Housing Minna, Niger State.
2. The Attorney General & Commissioner for Justice Niger State, Ministry of Justice, Minna, Niger State.
3. The Managing Director, Niger State Trust Fund Minna, Niger State, Nigeria.
4. The Managing Director, National Hydro Electric Power Producing Area Development Commission, Abdulsalm Abubakar Way, Senator Dahiru Awaisu Kuta Complex, Minna, Niger State.

Sirs,
Above is for your information, notice and necessary action, please.

Yours faithfully,

LJ Ibrahim Esq
SIR JIJIMBU & CO
08036981234

EXHIBIT GGP 4

SIR JIJIMBU & CO.
Legal Practitioners, Notary Public Arbitrators & Legal Consultants.
Abdullahi Kadim House Opposite Nepa Office/Farm Centre, Tunga, Minna, Niger State, Nigeria.
08038981234, 08088238080, 08037505267
E-mail: guidancechambers@gmail.com

JRS IN CHAMBERS:
A I. JIJIMBU
MALIK MAKAMA
AMMED IBRAHIM
JS IBRAHIM

12th October, 2023

HYDRO ELECTRIC POWER PRODUCING AREAS DEVELOPMENT COMMISSION
RECEIVED
22 NOV 2023
SIGN

The Executive Governor of Niger State
Government House,
Minna, Niger State

Your Excellency,

LETTER OF DEMAND/PRE-ACTION NOTICE FOR THE RECOVERY OF LAND COVERED BY COFO NUMBERS NG/MN/610 AND NG/MN/611 AND GRANT TO NIGER STATE TRUST FUND SITUATE AT ALONG A.A WAY SPACE OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/611 IS CURRENTLY BEING USED BY HYPPADEC AS THEIR NATIONAL HEADQUARTER WHILE THAT OF CERTIFICATE OF OCCUPANCY NUMBER NG/MN/610 REMAINS UNDEVELOPED, TUNGA, CHANCHAGA LOCAL GOVERNMENT AREA, MINNA, NIGER STATE

The above subject matter refers:

We are solicitors to Garba Galadima Paida (herein referred to as our client) the Family Head of Late Galadima Paida, Shango Area, Minna, Niger State.

We have the authority and instruction of our client to write you to recover the lands covered by Certificate of Occupancy Number NG/MN/611 and NG/MN/610 situate at Abdulsalam Abubakar Way Tunga, Chanchaga LGA, Minna, Niger State for **LACK OF COMPENSATION.**

It is our client brief that they are the natives and first settlers (owners) of the vast expanse of land, Niger State Government **FORCEFULLY ACQUIRED** and granted same to Niger State Trust Fund vide Certificate of Occupancy Number NG/MN/610 and NG/MN/611. Space for the Certificate of Occupancy Number NG/MN/611 is currently facing occupied by the National Headquarter of Hydro Power Producing Areas Development Commission currently.

Consequently, we demand the vacant possession of the lands as described above the Certificate of Occupancy No. NG/MN/611 is measuring 99.91 metres by 70.6 metres by 103.86 metres by 39.99 metres (0.738 hectares) within 30 (thirty) days from the date of receipt of this letter.