

CHAPTER 127

PUBLIC LANDS ACQUISITION LAW

Arrangement of Sections -

Section

1. Short title.
2. Interpretation.
3. (1) Power of Commissioner to acquire lands.
(2) Lands acquired to be State lands.
4. Preliminary investigation.
5. Notice of intention to take lands.
6. Power of persons under disability to sell and convey.
7. Power of head Chiefs to sell and convey.
8. Notice of intention to take and power to take possession.
9. Service of notices.
10. Disputes as to compensation and title to be settled by High Court.
11. Decision in absence of parties.
12. Report of Government officers as to value to be evidence.
13. Unoccupied land and rights over such land.
14. Party not to be compelled to sell or convey part of a house.
15. Principles of assessment of compensation.
16. Owners of intersected lands may insist on same being taken.
17. Compensation for loss of rents and profits.
18. When the Commissioner may withdraw from the acquisition of land.
19. Costs.
20. (1) Postponement of payment of compensation.
(2) Payment by Government to operate as a complete discharge of compensation.
(3) Claims within three years.
(4) Procedure.
21. Parties in possession as owners to be deemed entitled to lands.
22. Commissioner exonerated upon payment.
23. Application of consideration or compensation where lands belonging to a local community.
24. Conveyances-their form.
25. Certificate of title.
26. Filing of conveyance or certificate of title. Effect of filing.
27. Proceedings where possession of lands withheld.
28. Penalty for hindering the taking possession of lands.
29. Form of summons.
30. Summonses to state amount Commissioner is willing to pay.
31. Service of notice not an admission of interest.

CHAPTER 127

PUBLIC LANDS ACQUISITION LAW

A Law to empower the Acquisition of Lands when required for Public Purposes.

L. of N. 1948
Cap. 185.
N.L.N. 131 of
1954,
14 of 1955.
47 of 1955.
E.R.N. 12 of
1958, L.E.N.
Cap. 105, 1963.

(3rd May, 1917)

Short title

1. This Law may be cited as the Public Lands Acquisition Law.

Interpretation

2. In this Law:
 - "lands" include any estate or interest in lands;
 - "local community" means a local community in the State;
 - "commissioner" means the commissioner in charge of Lands in the State;
 - "public purpose" includes a public purpose as hereinafter defined in so far as such purpose relates to any matter with respect to which the Government of Ebonyi State of Nigeria has power to make laws, and also:
 - (a) for exclusive Government use or for general public use;
 - (b) for or in Connection with sanitary improvements of any kind, including reclamations;
 - (c) for or in Connection with the laying out of any new township or Government station or the extension or improvement of any existing township or Government station;
 - (d) for obtaining control over land contiguous to any port;
 - (e) for obtaining control over land the value of which will be enhanced by the construction of any railway, road or other public work or convenience about to be undertaken or provided by the Government;
 - (f) for obtaining control over land required for or in Connection with mining purposes; and

- (g) for or in Connection with housing estate, economic, industrial, or agricultural development and for obtaining control over land required for or in Connection with such purposes;
"recognized head chief" means a chief who is recognized by Government as holding for the time being the highest rank in a community under customary law,

3. (1) Where any lands in the State are required for a public purpose of the State, the Commissioner may acquire such for an estate in fee simple or for a term of years as he may think proper, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Law.

Power of Commissioner to acquire lands

(2) Where any lands are or have been acquired under the provisions of this Law such lands shall, to the extent of the estate or interest acquired therein, be and be deemed to have been State lands for the purposes of the State Law from the date of such acquisition and may be dealt with in accordance with the provisions of that Law notwithstanding that the purpose for which such lands were acquired has failed or that all or any of such lands are no longer required for the purpose for which they were acquired or are being used.

Lands acquired to be state lands

4. (1) Whenever it appears to the Commissioner that land in any locality is likely to be needed for any public purpose, it shall be lawful for any person either generally or specially authorized by the Commissioner in this behalf and for his servants and workmen to do all or any of the following things:

Preliminary investigation

- (a) to enter upon and survey and take levels of any land in such locality;
- (b) to dig or bore under the subsoil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose; and
- (d) to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon:

Provided that no person shall enter into any building or upon any enclosed Court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

(2) As soon as conveniently may be after any entry made under subsection (1), the person so authorized as aforesaid shall pay for all damage done, and in case of dispute as to the amount to be paid either such person or the person claiming compensation may refer such dispute to the Court having jurisdiction in the place, whose decision shall be final.

Notice of
intention to
take lands

5. Whenever the Commissioner resolves that any lands are required for a public purpose, he shall give notice to the persons interested or claiming to be interested in such lands, or to the persons entitled by this Law to sell or convey the same or to such of them as shall after reasonable inquiry be known to him (which notice may be as in Form A in the Schedule or to the like effect).

Power of
persons under
disability to sell
and convey.

6. (1) It shall be lawful for the persons being seised, possessed of or entitled to any lands or any estate or interest therein, to sell and convey the same to the Commissioner, and particularly it shall be lawful for all or any of the following persons to sell and convey—all guardians, committees of lunatics and idiots, trustees for charitable or other purposes, executors and administrators, and all persons for the time being entitled to the receipt of the rents and profits of any lands.

(2) The power so to sell and convey as aforesaid may lawfully be exercised by such persons not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion or remainder after them or in defeasance of their estates, and as to such guardians on behalf of their wards, as to such committees on behalf of the lunatics and idiots of whom they are the committees, and as to such trustees, executors and administrators on behalf of their *cestui que* trusts respectively to the same extent as such wards, lunatics, idiots and *cestui que* trusts could have exercised the same powers under this Law if they had respectively been under no disability.

7. Where lands required for public purposes are the property of a local community, the recognized head chief of such community may sell and convey the same for an estate in fee simple, notwithstanding any customary law to the contrary.

Power of head chiefs to sell and convey.

8. (1) The Commissioner may by such notice aforesaid or by any subsequent notice, direct the persons aforesaid to yield up possession of such lands after the expiration of the period specified in the notice, which period shall not be less than six weeks from the service of such notice, unless the land is urgently required for the public purpose.

Notice of intention to take and power to take possession.

(2) At the expiration of such period, the Commissioner and all persons authorized by him shall be entitled to enter into and take possession of such lands accordingly.

9. (1) Every notice under sections 5 and 8, shall either be served personally on the persons to be served or left at their last usual place of abode or business, if any such place can after reasonable inquiry be found, and in case any such parties shall be absent from Nigeria or if such parties or their last usual place of abode or business after reasonable inquiry cannot be found, such notice shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Service of notices.

(2) If any such person be a corporation, company or firm, such notice shall be left at the principal office of such corporation, company or firm in Nigeria, or if no such office can after reasonable inquiry be found, shall be served upon some officer (if any) or agent (if any) of such corporation, company or firm in Nigeria.

(3) All notices served under the provisions of this Law shall be published once at least in the *Ebonyi State of Nigeria Gazette*.

10. If for six weeks after the service and publication as aforesaid of such notice no claim shall be lodged with the Commissioner, in respect of such lands, or if the person who may have lodged any claim and the Commissioner shall not agree as to the amount of the compensation to be paid for the estate or interest in such lands,

Disputes as to compensation and title to be settled by High Court.

belonging to such person, or which he is by this Law enabled to sell and convey, or if such person has not given satisfactory evidence in support of his claim or if separate and conflicting claims are made in respect of the same lands, the amount of compensation due, if any, and every such case of disputed interest or title shall be settled by the High Court, which Court shall have jurisdiction to hear and determine in all cases mentioned in this section upon a summons taken out by the Commissioner, or any person holding or claiming any estate or interest in any lands named in any notice aforesaid, or enabled or claiming to be enabled by this Law to sell and convey the same.

Decision in absence of parties.

11. Where any person upon whom a summons has been served shall not appear at the time appointed, a decision may be given *ex parte* upon hearing the evidence adduced; and such decision shall be as effectual as if given after hearing in the presence of such person.

Report of Government officer as to value of to be evidence.

12. (1) The written report of any officer attached to the Ministries responsible for Works, Lands, Survey, Agriculture, or Forestry as to the value of the lands or of any buildings or trees or crops thereon shall be evidence thereof.
- (2) Such officer may, on giving three days' notice in writing to the occupier, enter upon any such lands or into any buildings thereon for the purpose of ascertaining the value of such land and the buildings, trees and crops thereon.
- (3) Any party having an interest in such lands may call such officer as a witness, and may also adduce any other evidence as to value.
- (4) The report of such officer may be proved by a copy hereof under his hand.
- (5) Proof of the signature of such copy shall not be required, unless the Court sees reason to doubt the genuineness thereof.

Unoccupied land and rights over such lands

13. (1) No compensation shall be awarded in respect of unoccupied land.
- (2) Where any person or any community has, during the five years immediately preceding the publication of notice of intention to acquire, exercised any rights of fishing, hunting, grazing or the collection of uncultivated produce over unoccupied land, such exercise shall not have the effect of causing such unoccupied land to be deemed to be

occupied but such person or community shall be entitled to compensation in respect of the rights extinguished by the acquisition, and in default of agreement as to the amount of such compensation the Court may award such compensation as it deems reasonable and where such rights so extinguished were communal, the compensation shall be paid into the revenue of the Local Government Council concerned.

- (3) For the purposes of this Law, land shall be deemed to be unoccupied land where it is not proved that the beneficial use thereof for cultivation, habitation, the collection or storage of water or for any industrial purpose has been had for a continuous period of at least twelve months in the period of seven years immediately prior to the publication of notice of intention to acquire:

Provided that where any person proves that he has been settled on land otherwise unoccupied, for a period of six months prior to such date with the intention of permanently residing thereon, the area occupied by such person shall be deemed to be occupied land.

14. No person shall at any time be required to sell or convey to the Commissioner a part only of any house or other building if such person be willing and able to sell and convey the whole thereof

Party not to be compelled to sell or convey part of a house.

15. In estimating the compensation to be give for any lands or any estate or interest therein or for any mesne profits thereof, the Court shall act on the following principles:

Principles of assessment of compensation.

- (a) no allowance shall be made on account of the acquisition being compulsory;
- (b) the value of the land, estate, interest or profits shall, subject as hereinafter provided, be taken to be the amount which such lands, estate, interest or profits if sold in the open market by a willing seller might be expected to realise;
- (c) where part only of the lands, estate, interest or profit belonging to any person is acquired under the provisions of this Law, the Court may take into account any enhancement of the value of the residue by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Government; and

(d) the Court may have regard not only to the value of the lands, estate, interest or profits to be acquired but also to the damage if any, to be sustained by the owner by reason of the severance of such lands from other lands belonging to such owner or other injurious circumstances affecting such other lands by such acquisition:
 Provided that the Court in estimating such compensation, shall assess the same according to what it finds to have been the value of such lands, estate, interest or profits at the time when notice of intention to acquire was served and without regard to any improvements or works made or constructed or to be made or constructed thereafter on such lands; And provided further that where any of the Nigerian Military Forces or any Ministry or non-Ministerial department of Government has been in possession of such land by virtue of a title, less than a fee simple compensation shall be estimated without regard to any increase in value on account of works constructed or other improvements on or to such lands by any of the Nigerian Military Forces or by the Ministry or non-Ministerial department of Government.

Owners of intersected lands may insist on same being taken.

16. If any lands required for public purposes not being situate in a town shall be so divided by the land taken as to leave a piece of land of less area than half an acre, and if the owner of the land so left requires the Commissioner to take the same together with the other land required for public purposes, the Commissioner shall take the same accordingly, unless the owner thereof has other land adjoining thereto into which the same can be thrown, so as to be conveniently occupied therewith.

Compensation for loss of rents and profits

17. When the Commissioner has in pursuance of a notice under section 8 entered into possession of any lands, the Court may award compensation to the owner of such lands and to all parties entitled to any estate or interest therein for loss of rents and mesne profit, for the period between the time the Commissioner so entered into possession, and the time when the consideration due under an agreement has been paid to the persons entitled thereto, or compensation has been paid into Court under the provisions of this Law.

18. (1) Nothing in this Law shall be taken to compel the Commissioner to complete the acquisition of any land unless he shall have entered into possession of the land or has failed within one month of the judgment of the Court to intimate to the Court that he does not intend to proceed with the acquisition: Provided, however, that the owner of the land and all persons entitled to any estate or interest in the land shall be entitled to receive from the Government all such costs as may have been incurred by them by reason or in consequence of the proceedings for acquisition, and compensation for the damage (if any) which they may have sustained by reason or in consequence of the notice of intended acquisition.
- (2) The amount of such costs and compensation, if not agreed upon, shall be determined by the High Court.
19. In any proceedings under this Law, to which the Government is a party, the parties thereto shall be entitled to receive costs against each other in the same manner as if such proceedings were conducted and had between subject and subject, and every sum directed to be paid by the Government as costs shall upon production of an office copy of the order of the Court be paid by the Accountant-General: Provided that where the amount awarded by the Court as the consideration or compensation due to the owner of any estate or interest in any lands, taken for public purposes, does not exceed the sum offered by the Commissioner to such person as consideration or compensation for such estate or interest, such person shall pay the costs of all proceedings under section 10 rendered necessary by the action of such person.
20. (1) The decision of the High Court, or the Court of Appeal, where appeal has been taken, respecting any compensation or any question of disputed interest or title, shall be final and conclusive as respects all parties upon whom summonses have been served as aforesaid, or who have appeared and claimed or on whose behalf any person, having authority to that effect, has claimed any lands or any interest therein, but it shall be lawful for persons upon whom summonses have not been served, or who have not appeared or claimed, or on whose behalf no claim has been

When the Commissioner may withdraw from the acquisition of land.

Costs.

Postponement of payment of compensation.

made, to make a claim at any time within one year after the date of the final decision; and in all cases where any compensation has been awarded, whether the same be in the form of a sum of money or an annual rent, the amount thereof or such part thereof as shall be payable within the said period of one year shall be paid into Court (except where a valid written title to the land shall be delivered) and shall not be paid out of Court until the said period of one year shall have elapsed from the date of such final decision, after which upon application to the Court by any person claiming as aforesaid to be interested therein it may be paid to whomsoever the Court may direct.

Payment by Government to operate as a complete discharge of compensation.

(2) The payment into Court as aforesaid, and where the compensation is in the form of rent the payment, after the said period of one year shall have elapsed, by the Commissioner of such rent as it accrues due to the parties who have appeared by the judgment of the Court to have the best right thereto shall operate as a complete discharge and acquittance of the Commissioner of all claims in respect of such lands but shall not hinder any subsequent proceedings by any person claiming to have a better right thereto against the person to whom such payment has been made.

Claims within three years.

(3) Any person claiming to be interested in any compensation paid into Court (such compensation or some part thereof not having been paid out of court) may within three years from the date of the final decision and not after claim that such compensation or any part thereof be paid to him.

Procedure.

(4) All claims for compensation to be paid out of court, made after twelve months shall have elapsed after the final decision of the court, shall be made by notice of motion served upon the Commissioner in the manner provided by the rules of Court for the time being in force regulating the service of motions, and supported by an affidavit stating the grounds on which the claim is based.

(5) The Commissioner shall have the right to appear against the motion.

Parties in possession as owners to be deemed entitled to lands

21. If any question arises respecting the title to the lands to be acquired under this Law, the parties in possession as being the owners

thereof, or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, unless the contrary be shown to the satisfaction of the court; and they and all parties claiming under them or consistently with their possession shall be deemed entitled to the consideration or compensation money, but without prejudice to any subsequent proceedings against such parties at the instance of any person claiming to have a better right thereto.

22. The payment to any person to whom any consideration or compensation shall be paid or the payment in to Court of any compensation upon a decision of the Court, shall effectually discharge the Commissioner from seeing to the application or being answerable for the misapplication thereof:

Commissioner
exonerated
upon payment.

Provided that where any person is in possession in virtue of any estate less than an estate of inheritance, or where any person is in possession in any fiduciary or representative character, the Commissioner may pay such consideration or compensation to such persons and in such proportions and instalments and after such notices as the Court may direct.

23. Where any consideration or compensation shall be paid to a recognized head chief in respect of any lands which are the property of a local community, such consideration or compensation shall be distributed by him among the members of such community, or applied or used for their benefit in such proportions and in such manner as the Commissioner shall approve.
24. Conveyances of lands acquired under this Law may be as in Form B or C in the Schedule, or as near thereto as the circumstances of the case will admit.
25. The Commissioner, may at any time after the expiration of six weeks from the date of the service and publication of the notice mentioned in section 5, apply *ex parte* by summons to the High Court for a certificate of title to the whole or any part of the lands described in such notice and upon such application the Court shall,

Application of
consideration
or
compensation
where lands
belonging to a
local
community

Conveyances
their form B
and C.
Schedule.

Certificate of
title.

Form D
Schedule.

upon proof of the service and publication of the said notice, grant a certificate of title as in Form D in the Schedule or to the like effect to the whole of the lands described in such notice or to that part thereof in respect of which the application is made, which certificate shall not be questioned or defeasible by reason of any irregularity or error or defect in the notice or want of notice, or of any other irregularity, error or defect in the proceedings previous to the obtaining of such certificate.

Filling of
conveyance or
certificate of
title.

26. Every conveyance and certificate of title granted under this Law shall be filed in the appropriate office of the Ministry of Lands, Survey and Town Planning, and every such conveyance or certificate of title shall confer on the Governor in trust for the Government of Ebonyi State of Nigeria, the estate or interest comprised or referred to therein against all persons, free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever, subject to the terms and conditions, if any, therein mentioned.

Effect of
filling.

Proceedings
where
possession of
lands withheld.

27. If any person hinders or obstructs any person duly authorized by the Commissioner from entering upon and taking possession of any lands in which the Commissioner may lawfully enter in pursuance of this Law, the Commissioner may apply *ex parte* at any time to any Court for a writ of possession and such Court may thereupon upon proof of the service and publication of the notices mentioned in sections 5 and 8, issue a writ of possession (which may be as in Form E in the Schedule), addressed to the sheriff under which any officer of the sheriff or police officer may forthwith eject any person so withholding possession.

Form E
Schedule.

Penalty for
hindering the
taking of
possession of
lands.

28. Every person who shall wilfully hinder or obstruct any person duly authorized by the Commissioner from entering upon or taking possession of or using any land in pursuance of the provisions of this Law; or who shall molest, hinder or obstruct such person when in possession of such lands, or shall hinder or obstruct any officer of the sheriff or police officer when executing a writ of possession, shall be liable on summary conviction before any Court to a fine of Six Thousand Naira or to imprisonment for three months.

Form of
summons,
forms F and G.

29. Summonses shall be as in Form F, or G in the Schedule, or to a like effect.

30. Every summons taken out by the Commissioner for the purpose of determining the amount of compensation or the consideration to be paid, shall state the amount of the consideration or compensation which the Commissioner is willing to pay for the lands to which the summons relates, and when part only of the lands belonging to any person is required, such summons shall also state the sum, if any, allowed in estimating such amount, for enhancement of the value of the residue of such lands.

Summons to state amount Commissioner is willing to

31. The fact that a notice has been served upon any person under section 5 or 8 shall not be taken as an admission by the Commissioner that the person on whom such notice has been served or any other person has any estate or interest in the land or any part of the land specified in the notice, or debar the Commissioner from alleging in any proceedings under this Law or otherwise that such land is State land.

Service of notice not an admission of interest.

SCHEDULE
PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)

Section 5.

FORM A

Notice is hereby given that the following lands (*describe lands, giving measurements and showing boundaries whenever practicable*) are required by the Commissioner for public purposes absolutely (*or for a term of years, or for so long as the same may be used for public purposes*).

Any person claiming to have any right or interest in the said land is required within six weeks from the date of this notice to send to the Commissioner a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Commissioner is willing to treat for the acquisition of the said lands. Lands in respect of which no statement is received are liable to be dealt with as unoccupied lands.

And notice is also hereby given that the Commissioner intends to enter into possession of the said lands at the expiration of weeks from the date of this notice.

Any person who shall wilfully hinder or obstruct the Commissioner or any person employed by him from taking possession of the said lands is liable under the provisions of the Law above mentioned on conviction to a fine of Six Thousand Naira or to imprisonment for three months.

The.....day of....., 20.....

.....
Commissioner

SCHEDULE -continued
PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)

Section 24.

FORM B
Conveyance of Land in Fee Simple

This Deed made the.....day of.....20.....
betweenhereinafter called the grantor of the one part and
.....the Governor of Ebonyi State of Nigeria(who together
with his successors in office is hereinafter called the Governor) of the other part
Witnesseth that in consideration of the sum of..... (the
receipt whereof is hereby acknowledged) the grantor doth hereby convey to the Governor
All (*describe premises to be conveyed and refer to plan to be endorsed on or annexed to
deed*). To Hold the premises to the use of the Government of Ebonyi State of Nigeria for
ever.

In Witness whereof the said.....has hereunto set his
hand and seal (*or "made his mark and set his seal" as the case may be*) the day and year
above written and the said.....has hereunto set his hand
and caused the Seal of Ebonyi State of Nigeria to be affixed the.....day
of....., 20.....

Signed, sealed and } signature of (seal of
delivered by the above } Grantor) Grantor
named }

In the presence of
signed by the above } (signature of (seal of
named } Governor) Ebonyi State of Nigeria)
and the seal of Ebonyi State of }
Nigeria affixed in the }
Presence of }

PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)

Section 24.

FORM C
Conveyance of Lands for a term of Years

This Deed made the.....day of.....
20..... between.....(hereinafter called the
lessor) of the one part and Governor of Ebonyi State of Nigeria(who together with his
successors in office is hereinafter called the Governor) of the other part Witnesseth that in

consideration of the annual rent of.....to be paid by the Governor as hereinafter mentioned, the lessor doth hereby convey to the Governor All (describe premises to be conveyed and refer to plan to be endorsed on or annexed to deed) To Hold the said premises in trust for the Government of Ebonyi State of Nigeria for a term of.....years, he the Governor yielding and paying to the lessor the annual rent of.....by (state instalments if any) henceforth on (state days) clear of all taxes and deductions.

In Witness whereof the said.....has hereunto set his hand and seal (or "made his mark and set his seal" as the case may be) the day and the year above mentioned, and the said has hereunto set his hand and caused the Seal of Ebonyi State of Nigeria to be affixed the.....day of....., 20.....

Signed, sealed and delivered by the above named



(Signature of Governor)

(Seal of lessor)

SCHEDULE - continued
Form C-continued

In the presence of.....
Signed by the above named and the Seal of Ebonyi State of Nigeria affixed in the presence of



(Signature of Governor)

(Seal of Ebonyi State of Nigeria)

PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)
FORM D

Section 25.

(Seal of Court.)

Certificate of Title

It is hereby certified that pursuant to the Public Lands Acquisition Law, all (describe the premises to be acquired and refer to plan to be endorsed on or annexed to certificate) together with all ways, rights and appurtenances thereto belonging are vested in the Governor of Ebonyi State of Nigeria in trust for the Government of Ebonyi State of Nigeria for ever (or for a term of.....years, as the case may be).

Dated the.....day of....., 20.....

(Signature of Judge)

Section 27.

PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)
FORM E

Form of Writ of Possession

To the Sheriff.

Whereas according to the provisions of the Public Lands Acquisition Law, the Commissioner is entitled to enter upon and take possession of all those lands (*describe lands*).

These are therefore to command you to put the Commissioner or any person employed by him in that behalf in possession of the said lands.

.....
(Signature of Judge or Magistrate)

SCHEDULE-continued

Section 29.

PUBLIC LANDS ACQUISITION LAW
(Ebonyi State of Nigeria)

FORM F

Form of Summons

IN THE HIGH COURT OF EBONYI STATE OF NIGERIA

In the matter of the Public Lands Acquisition Law.

Let all parties attend aton the.....day of....., 20....., at o'clock in the.....noon on the hearing of an application on the part of.....for the determination of the following questions:

(State questions, e.g.) the persons entitled to the lands situated at.....and described in a notice dated the.....day of....., 20.....a copy whereof is attached hereto, and the amount of compensation payable therefor, or the persons entitled to the sum of.....paid into Court under an order dated the.....day of....., 20.....as compensation to be paid for the lands situate at.....and described in a notice dated the.....day of....., 20..... a copy whereof is attached hereto, *as the case may be.*

When the summons is taken out by the Commissioner and one of the questions to be decided is the amount of compensation to be paid for any lands described in the notice referred to, the following words shall be added:

The Commissioner is willing to pay as compensation the sum of.....

And where such lands are part only of the lands belonging to the person entitled or claiming to be entitled to such lands, and the residue of such lands, in the opinion of the Commissioner, will be or has been enhanced in value by the proximity of the improvements or works made or constructed or to be made or constructed by the Government, the following words shall also be added:

The said sum of.....is made up as follows:

Gross value of the lands described in the notice aforesaid	...	₦
Deduction for enhancement of value of residue of such lands	...	₦
Compensation which the Commissioner is willing to pay	₦

N.B.-If the person entitled or claiming to be entitled to the lands is willing to accept the compensation above mentioned, he shall notify his assent to the Commissioner on or before the day of....., 20..... If such person is unwilling to accept such compensation he shall on or before the said day inform the Commissioner of the amount which he is willing to accept, and whether, in estimating such amount, he has allowed any sum for enhancement of any residue of the lands, and, if so, the amount of the sum allowed.

If any person fail to comply with these instructions, the Court may order him to pay the costs of the proceedings.

Dated the.....day of....., 20.....

.....
(Signature of Judge)

This summons was taken out by.....

To.....
(Insert names of all parties interested in questions to be decided)

PUBLIC LANDS ACQUISITION LAW

(Ebonyi State of Nigeria)

FORM G

Form of ex parte Summons

Section 29.

IN THE HIGH COURT OF EBONYI STATE OF NIGERIA

In the matter of the Public Lands Acquisition Law.

Let all parties concerned attend at.....on the.....day
of..... 20....., at.....o'clock in
the.....noon on the hearing of an application on the part of the
Commissioner charged with responsibility for Lands for (state the object of the
application, e.g., Grant by Court of Certificate of Title to the lands described in a notice
dated the.....day of, 20..... a copy
whereof is attached hereto, or a writ of possession to the Commissioner or any person
employed by him of the lands described in a notice dated the..... day
of....., 20....., a copy whereof is attached hereto, *as the case may
be*).

Dated the.....day of....., 20.....

.....
(Signature of Judge or Magistrate)