

APPRAISING THE RIGHT TO ACQUIRE AND OWN IMMOVABLE PROPERTY IN NIGERIA AND SOUTH AFRICA

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ABSTRACT

The paper appraises the right to acquire and own immovable property in Nigeria and South Africa. It highlights the modes and problems of land acquisition in both jurisdictions. Fundamentally, it states that the right to acquire and own immovable property in Nigeria and South Africa is a constitutional right as it is contained in section 43 of the Constitution of the Federal Republic of Nigeria 1999 as amended. It states that this right has been abused by the government through her officials by not complying with section 28 of the Land Use Act 1978 pertaining to compulsory acquisition of land for overriding public interest; non-service of notice and among others. This has resulted in the instituting of plethora of cases in the courts by aggrieved individuals. The paper concludes that for all intents and purposes the provisions of the law pertaining to acquisition of immovable property should be complied with.

Keywords: Immovable Property, Compulsory Acquisition, Non-Service of Notice, Land Use Act 1978, Constitution of the Federal Republic of Nigeria 1999 as Amended, Real Estate Laws and Regulation 2021.

INTRODUCTION

By virtue of section 43 of the Constitution which is under chapter iv dealing with fundamental rights, every citizen is free to acquire and own property in any part of Nigeria without any discrimination. This property shall be guaranteed and safe at all times. He should not for any political, religious, social or economic reasons be deprived of this right, irrespective of his tribe or language.

Succinctly, section 44 of the CFRN prohibits expropriation or compulsory acquisition of property, though subject to some exceptions. In *Adeyemi v. A.G. Oyo State*, the court observed that the importance of property right is uppermost, that the court consciously safeguards the right. By the provision of the provision, an indigene of Sokoto State can freely acquire and own land in Asaba, Delta State without any apprehension or fear. This right is intended to give every citizen a sense of belonging. The issue of sense of belonging however is relative (Odibei, 2011). Suffice to add that international conventions (Assembly, 1948), such as the Universal Declaration on Human Rights, The African Charter on Human and People's Right, all provide for right of individuals to acquire and own property with some restrictions.

In lieu of the above, this paper is made up of six interrelated parts beginning with the introductory part. Part 2 highlights the modes of land acquisition in Nigeria such as by

settlement, by inheritance, allocation by government and a host of others. Succinctly, part three focuses on the problems of land acquisition in Nigeria namely lack of modernization/mechanization; problem of illiteracy and poor communication; lack of information in Nigeria's agricultural sector, for example, right seeds and date of planting, poor infrastructure; poor access to credits from finance houses, poor research and record keeping and a host of others. Part 4 appraises the right to acquire and own immovable properties under Nigeria law. The relevant provisions of the Constitution and the Land Use Act pertaining to compulsory acquisition of land based on overriding public interest or public purpose; service of proper notices; payment of adequate compensation; the advent of COVID 19 pandemic on the right to own immovable property; the right of women to own and inherit their father's property in Nigeria in tandem with applicable decisions from the courts are examined in depth. Part 5 attempts a comparative study by discussing the right to acquire and own immovable property in South Africa. Finally, part 6 concludes by stating that the right to acquire and own immovable property in Nigeria and South Africa is a constitutional right that must be complied with by the government.

Modes of Land Acquisition in Nigeria

The methods of land acquisition in Nigeria are as follows: By settlement, that is, through first settlers by deforestation; by inheritance, for example from father to son or daughter; transfer/allocation by family or community; absolute gift-a deed of gift. A voluntary and benevolent giving without compensation; allocation by government; by a Will through a testator to beneficiary; by sale, *via* conveyance; by conquest under native law and custom.

Further, other modes of acquisition of land are by conditional gift to a customary tenant by the owner (overlord); by borrowing of land which is temporary grant of use of land by another person. The period may not be specified, but it is usually tied to a purpose, for example during the planting season at the expiration of which the land reverts to the original owner and by pledge. It occurs when an owner of land transfers possession of his land to his creditor as security or in consideration of a loan with the subject that he should exploit the land in order to obtain the maximum benefit as consideration for making the loan redeemable and time does not run against its redemption; by a declaration by a land owner during his life time who decides to designate his land as family property for the benefit and enjoyment of members of his family only and by purchase of land with family funds. It is created by conveyance *inter vivos*.

Problems of Land Acquisition in Nigeria

Many factors affect land acquisition in Nigeria. The problems include: lack of information in Nigeria's agricultural sector, for example, new ideas, right seeds and date of planting. The problem of illiteracy and poor communication are cited; poor infrastructure; poor research and record keeping (Stroh et al., 2016) which greatly affect acquisition; lack of modernization/mechanization; finance-poor access to credits from finance houses, many finance houses like banks demand for very difficult collaterals before loans are approved; government's acquisition of land under the Land Use Act, 1978, this comes with a lot of restrictions, pitfalls and hurdles too difficult to surmount, this delays the process; bureaucratic bottlenecks occasioning delays and stereotyped methods; high cost of regulation of land title; weak land

markets; policy inconsistencies. different government come out with different policies which are not harmonized; corruption in land allocation; problems of land tenure system in the southern and northern Nigeria which vary; youths incessant demand for taskforce and development fees, this greatly delays development; ethnic conflicts, social identity and agitation for resource control in the Niger Delta (Madubuike, 2009); socio legal factors which inhibit property rights, like patriarchy, primogeniture, customary intestacy succession;

Appraising the Right to Acquire and Own Immovable Properties under Nigerian Law

The right to own property can be ousted where possession or interest in land is compulsorily acquired as a result of dealing with the land by the occupier in possession in a manner contrary to the provisions of the LUA. Second, where property is compulsorily acquired for overriding public purposes under section 28 (2) (b) and (c) of the LUA, the right is also taken away as Governors have the right of revocation of occupancy and payment of compensation thereof. These are most times abused (Okonkwo, 2013). In February 2020, El-Rufai, the Governor of Kaduna State revoked (Akhaine, 2021) the certificate of occupancy of hotel owned by General Abacha.

Section 51 of the LUA defines public purpose to include: use by a corporate body directly established by law or any corporate body registered under the Company and Allied Matters Act, or for use in connection with sanitary improvement, for railway, public work or convenience, land in connection, development of telecommunications or electricity, for mining purpose, planned urban and rural development or settlement or land for economic, industry or agricultural development or educational and other social services.

Thus, in *Sokoto Local Government & Ors. v. Alhaji Tsoho Amale & Anor*, the court held that the compulsory acquisition of a property acquired by a grant of statutory right of occupancy by the local government for the purpose of expanding the cattle market was legal and within the contemplation of the provisions of the Constitution. The court stated further that the fact that the respondent was aware that the revocation order in accordance with provisions of the Land Use Act was enough to extinguish his grant of the right of occupancy to the said land. The LUA therefore clearly intends that the publication of notice served on the owner of the land shall be personal to him. Indeed, in this case it was so.

In *Ibafon Company Ltd. & Anor v. Nig. Ports Plc & Ors.*, the court held that there was no acquisition known to law, as notice of intention to acquire land was not served. The same principle was followed in *Guinness v. Udeani*, where the court held that by virtue of section 28 (7) and section 29 of the LUA, the title of the holder of a right of occupancy where it is compulsorily acquired shall become extinguished on receipt by him of a notice given under sub-section 6 of the same section or on such later dates as indicated in the notice and or if the holder of such right has been compensated. Where the notice given is full of uncertainties as to its application, the court has held that it could be interpreted in favour of the person whose land is to be acquired (Okafor, 1997).

The court decided in *Afegbai v. A.G. Bendel State*. that the law demands that the manner and purpose of acquisition must also make provision for prompt payment of adequate compensation and the right for the person seeking compensation to appeal to a court with respect to the amount of compensation to be paid. The Supreme Court reiterated this fact and held in *AG Bendel State v. Aideyan* that the right to property conferred by the Constitution as to

compensation for compulsory acquisition of property cannot be breached without the victim getting a legal remedy. Further, on the issue of compensation, it is apposite to note that it is not in every case that payment of compensation arises, for example, where revocation is penal, compensation will not arise. Section 29 (1) of the LUA duly provides for compensation for compulsorily acquired land for public purposes; so a holder's right of interest in land can be extinguished by revocation for breach of section 10 of the LUA, or breach of any term intended by section 8, or for failure to comply with the requirements specified in section 9 (3) of the LUA. We concur with Ogbu in his submission (Ogbu, 1990) that section 29 (1) of the LUA is unconstitutional, for being in conflict with the provisions of sections 1 (3), 43 and 44 of the Constitution as by virtue of section 44, any person whose right or interest in land is compulsorily acquired by the Governor is entitled to compensation for the full value of the land and not just for the unexhausted improvement therein. This is in tandem with section 5 (1) (2) of the LUA which also exemplifies the constitutional right not to be expropriated of property.

The Supreme Court however solved the quandary in *Dantsoho v. Mohammed*, where it held that the rights which could be automatically extinguished upon the grant of a statutory right of occupancy include licenses and usufruct, as they are rights that can be abrogated at a moment's notice with little or no hardship done to the users of the land. Section 44 of the Constitution provides for the creation of a body known as the Land Use Allocation Committee and vested it with jurisdiction to determine the issue of adequate compensation. The court held in *Raliatu Musa Angoro v. Commissioner for Lands and Housing, Kwara State* that by the combined provisions of sections 43 and 44 of the Constitution, a person who acquires and owns property can enforce his right through the fundamental human right enforcement rules if compensation is not paid in the event of acquisition of the property.

In *Nigeria Telecommunication Ltd. v. Chief Ogunbiyi*, and *Obikoya v. State*, the court cautioned that in exercising the powers of the Governor in revocation, there must be due compliance with the provisions of the LUA, particularly the giving of adequate notice. The court held that in the absence of notice of revocation of right of occupancy, the purported revocation by the officer duly authorized by the Governor was ineffectual.

It is equally a requirement that a notice of acquisition of property must be specific and precise as to the property acquired. This is in tandem with the decision in *CCS v. Registered Trustees of Muslim Community, Rivers State*, where the Supreme Court stated: Where the right of occupancy is stated to be revoked for public purpose, there is need to spell out the public purpose in the notice of revocation.

In *Nig. Eng. Works Ltd. v. Denap Ltd & Anor*, the Supreme Court held "that 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 if revoked must be notified in advance". The court followed the same principle in *Ononuju v. A.G. Anambra & 2 Ors*, where *Onnoghen JSC* held that the revocation of the right of the appellant on the land in question was invalid for reasons of non-service of the statutorily required notice of revocation/acquisition and consequently, null and void *ab initio*. In *Obikoya v. Governor Lagos State*, the court held that where also an authority compulsorily acquires private property, it is important that the particulars of the public purpose for what such property is acquired are given.

In same vein, the LUA prohibits alienation of any customary or statutory right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sub lease or

otherwise without the consent of the Governor or Local Government Chairman by virtue of section 26 of the LUA. In *Savannah Bank Ltd. v. Ajilo*, the court held that a deemed right of occupancy under section 34 of the Land Use Act, 1978 is the same as the right of occupancy actually granted by the Governor and that any transaction without the requirement is null and void. In *Awojugbagbe Light Industry Ltd. v. Chinukwe*, the Supreme Court stated that a conditional agreement executed by the parties prior to the receipt of the Governor's consent is efficacious.

Another limitation is section 44 (3) of the CFRN which affects the entire property and control of all mineral, oil and natural gas in Nigeria and the territorial waters and the exclusive economic zone of Nigeria, which vest in the government of the federation and shall be managed in such a manner as may be prescribed by the National Assembly. Of course, that is a limitation to the right to own property. Even where such land is located in a State or owned by an individual, the right divests to the federal government absolutely. Article 14 of the African Charter on Human and Peoples Right equally guarantees the right to own property, but with exceptions that the right may be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provision of appropriate law.

Another fact is that section 44 (2) (k) of the CFRN provides for temporary forfeiture, that is taking possession of property in the course of criminal investigation and litigation. In *A.G Ondo State v. A.G. Federation*, section 37 of the Independent Corrupt Practices and Other Related Offences Commission Act which authorizes the Commission to seize any movable property on suspicion that the property is the subject matter of an offence was in issue. The court held that the provision was constitutional. It is equally noteworthy that the supreme court in *Adamawa State v. A.G. Federation* held that the Allocation of Revenue (Abolition of Dichotomy) in the application of the principle of Derivation Act 2004 does not offend section 42 (3) of the CFRN.

On the relationship of the LUA and the CFRN, it was decided in *Nwoocha v. Governor of Anambra State* that the Land Use Act is an existing law, subject to the powers of the court to declare it invalid on the grounds of inconsistency with any provision of the Constitution. Suffice to add that it is not correct to say that the provisions of the LUA had been made part of the Constitution as per section 274(5). The matter was finally settled in *Adisa v. Oyinwola*, where the supreme court reiterated that despite the fact that the Land Use Act is by section 274(5) of the Constitution incorporated in the Constitution, it is not an integral part of the Constitution and therefore any of its provisions which is inconsistent with the Constitution is to be declared null and void. There however seems to be conflict between section 47(2) of the LUA and the Constitution which prohibits ouster clauses. It is humbly submitted that section 47 of the LUA can only be sustained if it is superior to the Constitution. Unfortunately, it is not. It is therefore submitted with respect that section 47(2) of the LUA is null and void for being unconstitutional.

It is submitted that there are other limitations, like the limitation on the right of women to own immovable property. In *Asika v. Atuanya*, the court observed and wondered why in some parts of Nigeria women are by customs deprived of ownership and right of inheritance to acquire and own immovable property. The court also asked why women are subjected to all disability or deprivation, by reasons of their feminine attributes. The constitutional provisions are quite clear and unambiguous. Interestingly, in *Ukeje v. Ukeje*, on inheritance right, the supreme court of Nigeria held that women, (particularly in south eastern Nigeria) now have the right to inherit

their father's immovable properties. The court further held that the old practice of discrimination against women was contrary to sections 43 and 44 of the Constitution and therefore unconstitutional. The judgment has restored the dignity of women to have a right and share in their father's landed property. The court pronounced on the customary inhibitions on the inheritance rights of women in Nigeria, who hitherto could not own property in the eastern part of Nigeria. They were generally considered inferior to men and discriminated against in many ways. The case therefore revealed that the CFRN prohibits women disinheritance. The court decided that no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his or her birth. We submit that the rationale of the apex court's interpretation of section 42 (2) is that the right of a female child and a child born out of wedlock should have a share in the estate of her father is constitutional.

Suffice to state that the Marriage Act gives women the right to own and dispose of property in Nigeria. These rights are also granted in the Universal Declaration of Human Rights, Elimination of All Forms of Discrimination against Women. Both the Covenants on Economic and Social and Cultural Rights and Covenant on Civil and Political Rights require that there will be no discrimination based on the property of a person, which includes women. The Beijing Platform for Action in 1995 also requires that women's right to inheritance and ownership of land and property should be recognized and government should take legislative and reform measures to remove encumbrances to women's property right which are relevant in millennium development, specifically the goal on eradication of extreme poverty and on gender equality. Further, in *Timothy v. Oforika*, the court of appeal held that the Oraifite native law and custom, which does not allow women to deal in land is not only unconstitutional but repugnant to natural justice, equity and good conscience.

Another exception is the issue that bothers on public policy. A government may take a decision to deprive a particular citizen or citizens of their land for public interest, for example to build a library or a public convenience or a sports centre such as a stadium. The Eke Ukwu market, Owerri, Imo State was reported as destroyed by the former Governor of Imo State, Senator Okorochoa for public policy purposes. Incidentally, Uzodinma who replaced him as Governor has rebuilt the same market (Onyekakeyah, 2020). Public policy most times is relative, as it is left under the whims and caprices of the Governor or exercising officer to define and interpret. It is therefore more of interpretation.

An individual's freedom and right to acquire and own immovable property can be ousted by a constitutional judgement declaring that the land and building belongs to another person. The judicial power to do so by the court cannot be over emphasized. Court orders can also restrict the enjoyment of one's right to acquire and own property in Nigeria. Immediately, the International Court of Justice gave judgement ceding the Bakassi Peninsula to Cameroun, the judgment immediately took effect and part of Cross River, and the Bakassi area by operation of law was ceded to Cameroun and all citizens who acquired and owned land therein expressly lost their right (United Nations, 2002) under section 43 of the CFRN.

Another vexed issue which limits the right to acquire and own immovable property is declaration of a state of emergency by government. It is the law that under a state of emergency; no one still has legal control of his/her property. A state of emergency could be declared as a result of instability, imminent war, economic disaster and so on which may lead to breakdown of public order and public safety such that would require extraordinary measures to restore peace

and security or public order and public safety or occurrence of imminent danger, imminent disaster, or natural calamity, affecting a section of the community or federation or public danger which clearly affects, occurs and disturbs the existence of the federation like the outbreak of a serious disease. Under such situations, an owner's properties rights are limited. State governments as a result of this have also by virtue of executive order, proclamation and quarantine law also declared total lockdown in their various states in Nigeria.

Under COVID-19 control measures in Nigeria, only approved public government hospitals and few private hospitals certified by The National Centre for Disease Control (NCDC) and World Health Organization (WHO) are permitted to admit and treat COVID-19 patients. Presently, the government has closed down some private hospitals that admitted and treated patients that died without NCDC's permission. The contention is that the closure may lead to seizure or forfeiture if the hospitals are declared as health disaster zones. It could lead to confiscation of the premises. It therefore holds that during the period of natural disaster such as this, the right of citizens to secure and own property is limited or extinguished either temporarily or permanently.

Still on the issue of limitation, it has become noticeable and worrisome that during the period of COVID-19 pandemic where state of emergency and executive orders were declared, people had become perplexed over some decisions taken with regards to right to own property. Most state governments in Nigeria restricted movements, *via* their proclamation orders and executive orders. In Rivers State for example, by virtue of the order, some parts of the State were still placed under lockdown. The Governor of the State ordered and supervised the demolition (Orjinmo, 2020) of two hotels for flouting the lockdown orders which banned operations of hotels across the 23 local government areas of the State, to ensure compliance with the lockdown rules. The Governor said he was acting in line with executive order and rule of law. As a result of the demolition, properties worth millions of naira were damaged and the workers in the hotels became jobless. While the owners of the hotels claimed that they were not in breach of COVID-19 orders, the Governor insisted that his administration did no wrong in pulling down the hotels. He insisted that he acted under executive order which he said has not been challenged or set aside by any competent court of law.

Contributing to the above, Falana opined that an offender's house cannot be demolished under our law in cases of emergency situation under the Quarantine Act. Before a sentence is pronounced, a person who has broken the law must have been tried in a court of law. There is no provision under our law for the President or Governors to mete out punishment on people or take the law into their hands without recourse to the Constitution. He called on the Governor to reverse his decision and publicly apologize and restore the properties he destroyed. Disagreeing, Okocha said that the Governor's action would to a large extent help people to avoid the spread of corona virus. He said the executive order in place was appropriate. He said also that it is not everything that would be on written law. That it is in line with dealings with safety and security of the people. It is submitted that the government action was untenable and an infringement on the citizen's right to own and enjoy immovable property, as he acted in excess of his executive powers. He also resorted to self-help which is a form of jungle justice.

The issue of locus standi is another limitation on right to own property. It is a right to appear in a court or before anybody on a given question. One who possesses locus standi has the legal capacity to institute proceedings in court as there must be a cause of action. There must be

justifiability to the cause of action of the issue before a person can be said to have standing on the issue. The court must have jurisdiction to entertain it where domestic/administrative remedy has been exhausted by answering the following questions. Is the action tenable, was there a dispute between the parties, also what constitutes sufficient interest which is one of mixed fact or law? How does the court determine locus standi in Nigeria, including the problems of standing to sue in Nigeria? It is submitted that under emergency period, like COVID-19 pandemic, the issue of locus standi of a doctor to sue where he violated the law and allowed his private hospital to admit and treat COVID-19 patients will be difficult to interpret, as he no longer has interest in the property which belongs to him since it has been confiscated by the State.

Another restriction is that the Land Use Act makes one not a full owner on free hold but on leasehold of 99 years. That is, limitation to his right to acquire and own property. When one claims he owns a land and unfortunately builds on water ways, or flood ways, disturbing the flow of water, it could be taken from him, demolished and his freedom to own the property is eroded. Governor Obaseki's reason for ordering the demolition of Kabaka's hotel in Benin was that it was built on public primary school property (Benin, 2020).

Laches and acquiescence act as a limitation to one's right to acquire and own property. A person who owns a piece/parcel of land and is aware that another person is building therein without his consent and authority but fails, refuses and neglects to stop the trespass might not succeed in court if he wastes so much time in seeking redress, as the court would ask him to continue in his slumber.

South Africa

In South Africa, section 25(1) of the South Africa Bill of Rights protects the right to property, including land. Section 25(2) and (3) states that property can be regulated and expropriated with only a small amount of compensation paid to people who are disposed after 1913 racial discrimination. Ownership of any moveable and immovable properties come under property right.

Immovable properties is regulated by the Deeds Registry Act, 1937 and South Africa has one of the most advanced and effective system of land reforms. Every gazetted land is in one of the regional deeds registry on a diagram and ownership registered map where documents are available for public viewing, the system does provide ownership. The harmonization of individual property interest; the guarantee and protection of property rights; the control of proprietary relationships between natural and juristic persons and all formal duties of South African property law include their rights and obligations.

The protection clause for property right in the Constitution of South Africa specifies which proprietary relationships are protected by law. In South Africa, property law most crucial social role is to manage competing interests among those who acquire property rights and interests. Foreigners are generally subject to the same laws as South Africa citizens when it comes to purchasing and owning immovable property in South Africa. The only foreigners disqualified are those that are there illegally. To be qualified, the foreigner must have his/her valid immigration papers, like visa requirement (Press, 2018). One can have property in South Africa in four different ways, as a natural person, a company, a corporation or as a trust (Property, 2021).

When you own property in South Africa, you have certain rights that go along with ownership, including right to possession, right to control, right to use and quiet enjoyment, right to allow other persons right to use licences and lease, right to privacy and exclude others, right to transfer the property to someone else, by selling, gifting or inheritance, right to use property as collateral, through mortgage, surface right, such as oil, gas and minerals, water right or riparian. You also have a right to use the space above the land, not to be blocked by building on adjacent property. Your ownership right includes right to make improvement on your property, erecting buildings, subject to limitation under local control, restricted with regard to size, configurations and use of real properties, zoning laws, building codes and permit.

It is worth mentioning that there is also compulsory acquisition of property in South Africa. It is pertinent to state that in South Africa, there is the Real Estate Laws and Regulation, 2021 that guides real estate and ownership of properties. This law has reduced a lot of problems appurtenant to property acquisition. The said law which was passed on 18 December, 2020 contains subject matters such as (The International Comparative Legal Guides, 2021): real estate law; ownership of property/estate rights; registration; real estate market; liabilities of buyers and sellers; finance and banking; lease or business premises and residence/public law permit and obligations; climate change; COVID-19 protocols. It is submitted that the Real Estate Laws and Regulation, 2021 of South Africa is a show piece as it has streamlined and put in place better regulation to property acquisition and ought to be emulated and practiced by other countries like Nigeria, with narrow and restrictive laws on property acquisition. What makes the South African's style worthy of emulation is that it reveals easily how a potential buyer can obtain reliable information on real estate and other relevant information and statistics. It is however not without its problems. Problems of compulsory acquisition of immovable properties in South Africa: reduced tenure security; reduced investment in the economy; weakened land market; opportunities created for corruption and abuse of power; delayed projects; inadequate compensation paid to owners and occupants (Law, 2021). It is observed that these problems are also part of the problems bedevilling ownership and acquisition of property in Nigeria.

CONCLUSION

This paper examined the right to acquire and own immovable property in Nigeria and South Africa, particularly the legislations clothing these rights and the enabling case law giving effect to these. It states unequivocally that the right to acquire and own property in Nigeria is a right that should be respected by government. Appropriate notice served on owners of immovable properties must be in full compliance with the requirements of section 28 of Land Use Act and erring government officials that fail to comply should be sanctioned. Adequate compensation should be paid to individuals quickly where such land are revoked by the government for overriding public interest. South Africa's Real Estate Laws and Regulation, 2021 which has streamlined and put in place better regulations for property acquisitions should be enacted as law in Nigeria to streamline her laws on property acquisitions. The right to acquire and own immovable property in Nigeria and South Africa is a fundamental right enshrined in both countries Constitutions. However, government has abused this right by forcefully taking the land of land owners without recourse to the Constitution and laid down procedures contained in the Land Use Act on the steps to follow before she can compulsorily acquire such land. This has resulted in unabated institution of court actions against the government. The paper concludes that

the government should show example by totalling adhering to the provisions of the law pertaining to acquisition of immovable property.

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