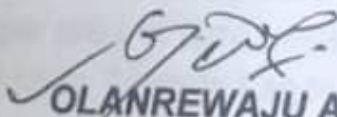


POWER

OF

ATTORNEY

PREPARED BY:



**OLANREWAJU AIYEDUN ESQ,
OLANREWAJU AIYEDUN & CO.
NO 99, AKUTE – AJUWON ROAD,
OYEYEMI BUS STOP,
AJUWON,
OGUN STATE.
08034550201
lanre.aiyedun@gmail.com**

THIS POWER OF ATTORNEY made thisday of2021 BETWEEN (1) **JUBRIL SUWALIU BABATUNDE** (2) **ALFA SAMSIDEEN ALIM** (3) **MR. OLUWOLE JUBRILLA** (4) **MR. ALIU KASHEEF** for themselves and on behalf of Ogbeni Family of Akodo Town, Ibeju Lekki , Lagos State hereinafter referred to as "**THE DONORS**" which expression shall where the context so admits shall include their executors, administrators, personal legal representatives and assigns of the **ONE PART.**

AND

THREECO CONSTRUCTION COMPANY LIMITED of 158, Ijoko Road, Abule Ekun Bus Stop, Olambe Ogun State (hereinafter referred to as "**THE ATTORNEY**" which expression wherever the context so admits shall include their Assigns and Personal Legal Representatives) of the **OTHER PART.**

WHEREAS:

- (1) All that piece or parcel of land hereinafter described forms portions of a larger area of land vested in possession of the Ogbeni Family, Akodo Town in Lagos State (as represented by the **DONORS** herein) from time immemorial.
- (2) The **DONORS** and their ancestors have long been in possession of the said land and have been exercising various acts of possession on the same to the knowledge of the general public and without any disturbance from anyone.

- (3) As at the commencement of the Land Use Act 1978, the customary title over the said land rests in the Donors having been exercising maximum rights of ownership over same and they are entitled to the Statutory Right of Occupancy under the Land Use Act.
- (4) By virtue of Lagos State of Nigeria Official Gazette No. 38, Volume 27 of 1994 dated 13th of June 1994 and published on the 27th day of October 1994, the land herein described together with a larger portion belonging to the **DONORS** was excised, from compulsory acquisition earlier made by Lagos State Government to indigenes of Akodo Town.
- (5) Following the error of Lagos State Government by excising the said Land in favour of wrongful persons who were not the customary owners at the time of acquisition, the **DONORS** through their accredited representatives filed an action at the High Court of Lagos State in **Suit No. LD/1048/2006: Chief Tijani Alimi & Ors v. Chief Mutafiu Adebayo Ogunlaja & Ors.** challenging the wrongful excision to the indigenes of Akodo Town and claiming a declaration that they are the proper persons to whom the excision ought to be made.
- (6) The High Court of Lagos State per Hon. Justice Kazeem Alogba, in **Suit No. LD/1048/2006**, granted the **DONORS'** claims and reliefs sought and affirmed them as the owners of the land herein demised. An appeal against the judgment in **Appeal No. CA/L/1082/2014** was heard and unanimously dismissed by the three man panel of the Court of Appeal.

- (7) The **DONORS** having taken possession of the said land pursuant to the above stated judgment have so remained till date unchallenged by anyone whatsoever.

NOW WITNESSES AS FOLLOWS:

The **DONORS** hereby appoint the **ATTORNEY** herein as their lawful **ATTORNEY** over the land described above to do the following:

- (1) To take effective physical possession of the **DONORS'** land described above situate, lying and being at Akodo Town, Ibeju Lekki Local Government Area, Lagos State.
- (2) To manage and superintend the management of the said land on behalf of the **DONORS**.
- (3) To ward off all trespassers and squatters on the said land.
- (4) To assist the **DONORS** in initiating necessary legal proceedings against all trespassers in order to retrieve the land from such trespassers.
- (5) To generally do all such acts and things as may be necessary or expedient in connection with the evacuation, repossession or the recovery of the said land or part thereof as effectively as the **DONORS** themselves could do but with the consent and full authority of the **DONORS**.


IT IS HEREBY FURTHER AGREED AS FOLLOWS:

- (1) The **DONORS** shall with all practicable dispatch furnish the **ATTORNEY** with all such documents and information as shall be in their possession or power relating to the said landed property and shall give the **ATTORNEY** from time to time all necessary and proper assistance in carrying out its functions without delay or hindrance.
- (2) Neither the **ATTORNEY** nor the **DONORS** will make any compromise or arrangements in the said business or act contrary to the terms of this Power of Attorney.
- (3) The **ATTORNEY** shall be entitled to **One Hundred and Fifty Acres of land** from the first large parcel of land and shall be entitled to **Ten Acres of land** out of the other large parcel of land.
- (4) The **DONORS** shall execute a document of title in favour of the **ATTORNEY** over the land mentioned in paragraph 3 above.
- (5) This Power of Attorney shall be irrevocable and shall subsist until the **ATTORNEY** fully discharges its responsibilities and obligations under this Agreement.

IN WITNESS WHEREOF the DONORS herein have hereunto set their hands and seal the day, month and year first above written.

SIGNED, SEALED AND DELIVERED

By the within named "DONORS"

CHIEF JUBRIL SUWALIU BABATUNDE 

ALFA SAMSIDEEN ALIMU 

MR. OLUWOLE JUBRILLA 

MR. ALIU KASHEEF 

BEFORE ME

CHIEF MAGISTRATE

IN THE COURT OF APPEAL
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

THIS WEDNESDAY, THE 21ST DAY OF JUNE, 2017

BEFORE THEIR LORDSHIPS:

TIJJANI ABUBAKAR JUSTICE, COURT OF APPEAL
BIOBELE ABRAHAM GEORGEWILL JUSTICE, COURT OF APPEAL
UGOCHUKWU ANTHONY OGAKWU JUSTICE, COURT OF APPEAL

APPEAL NO. CA/L/1082/2014

BETWEEN:

1. CHIEF MUTAFIU OGUNLAJA
2. TALUTA IDRIS
3. TALIMU BAKARE (a.k.a. TESLIM BAKARE)
*(For themselves and on behalf of the
indigenes of Akodo Town Ibeju Lekki, Lagos State)*
4. MR. AKEEM SHITTU
5. CHIEF MUKALIA ILELABOYE
(Head of Ogunlu Community)
6. MR. SUWALIYU APENA
(Head of Idishewe Community)

APPELLANTS

AND

1. CHIEF TIJANI ALIMU
(Head of Ogberu family of Akodo)
2. ALFA SAMIDEEN ALIMU
3. MR. OLUWOLE JUBRILA
4. MR. ALIU KASHEEF
*(For themselves and on behalf of
the Ogberu Family of Akodo Village, Ibeju Lekki)*
5. GLOBAL INTERNATIONAL COLLEGE
6. ATTORNEY GENERAL AND COMMISSIONER
FOR JUSTICE LAGOS STATE
7. THE EXECUTIVE GOVERNOR
OF LAGOS STATE

1st-4th CLAIMANTS/RESPONDENTS

RESPONDENTS

CERTIFIED TRUE COPY

CA-L-1082-14

MRS OKORIE E. C
PRINCIPAL EXECUTIVE OFFICER
CERTIFIED TRUE COPY
COURT OF APPEAL
LAGOS

14/7/17

JUDGMENT

(DELIVERED BY UGOCHUKWU ANTHONY OGAKWU, JCA)

This appeal is against the decision of the High Court of Lagos State in SUIT NO. LD/3048/2006: CHIEF TJANI ALIMI & ORS vs. CHIEF MUTAFIU ADEBAYO OGUNLAJA & ORS. delivered on 2nd September 2014. The 1st-4th Respondents herein were the Claimants at the lower court, while the Appellants herein were the 1st-3rd Defendants at the lower court. Just as in this appeal, the contest at the lower court was principally between the 1st-4th Respondents and the Appellants. By their 2nd Amended Statement of Claim, at pages 389-390 of Volume I of the Records, the 1st-4th Respondents claimed the following reliefs:

"37. Whereof the Claimants claim as follows:-

a. A DECLARATION that the excision of pieces or parcels of land in Akodo town, in Ibeju Lekki Local Government Area of Lagos State measuring approximately 14, 352 Hectares and 82,302 Hectares known and referred to as parcel A& B respectively by the Lagos State Government vide a Legal Notice No. 67 published in Lagos State of Nigeria Official Gazette No. 38 in volume 27 of 27th October, 1994 hereinafter referred to as excised land to the indigenes of Akodo Town is unconstitutional, null and void and of no effect whatsoever.

b. A DECLARATION that the executive committee set up to manage the excise land in Akodo Town in Ibeju Lekki Local Government and [sic] area of Lagos State the Memorandum of Agreement dated the 20th day of November, 1995 executed for the alienation of the exercised [sic] land in Akodo Town are unconstitutional, illegal, null and void and of no effect whatsoever.

c. A DECLARATION that the Claimants and their Family are the proper persons entitled to the statutory right of Occupancy in respect of the grant of the new root of title over the excised land lying being and situate in Akodo Town in Ibeju Lekki Local Government Area of Lagos State.

CA-L-1082-14

CERTIFIED TRUE COPY

2

CERTIFIED TRUE COPY

d. A DECLARATION that the sale, assignment, transfer and or alienation of any portion of the excised land on Akodo by the 1st-3rd and the 5th-7th Defendants to the 4th and 6th Defendants is unconstitutional, illegal, null and void and of no effect whatsoever.

e. AN ORDER setting aside the sale, transfer, assignment and/or alienation of any portion of the excised land in Akodo by the 1st - 3rd and 5th - 7th Defendants to the 4th and 6th Defendants.

f. AN ORDER setting aside as unconditional, null and void, the grant of a new root of title to the indigene of Akodo over the excised portion of Akodo Land measuring 14.352 and 82.302 Hectares respectively under and by virtue of the Lagos State of Nigeria Official Gazette No. 38 in Volume in [sic] Volume 27 of the 27th October, 1994.

g. AN ORDER compelling and/or mandating the 9th Defendant as represented by the 8th Defendant in this suit to issue a new grant of roof of title over the excised land in favour of the Claimants family through another Lagos State Government Gazette.

h. AN ORDER of perpetual Injunction restraining the 1st-3rd and 5th-7th Defendants, their agent, servants or privies or whatsoever from alienating, transferring selling, assigning or exercising any rights whatsoever pursuant to the grant of root of title by the Lagos State Government in the legal Notice No. 67 published in the Lagos State of Nigeria Official Gazette of No. 28 in Volume 27 of 27th October, 1994.

i. AN ORDER of possession of all that piece or parcels of land in Akodo town, in Ibeju Lekki Local Government Area of Lagos State measuring approximately 14, 352 Hectares and 82,302 Hectares known and referred to as parcel A& B respectively by the Lagos State Government vide a Legal Notice No. 67 published in Lagos State of Nigeria Official Gazette No. 38 in volume 27 of 27th October, 1994."

CA-L-1082-14

CERTIFIED TRUE COPY

CERTIFIED TRUE COPY

"I have perused Exhibit D17 and nowhere is it stated therein that any of the many villages or towns referred to therein was founded by any person."

This conclusive finding of the lower court is borne out by the evidence on record represented by the said Exhibits D4 and D17. It is undoubtedly a correct appraisal of the document and the finding in respect thereof is not perverse. This court will therefore not interfere as the lower court unquestionably evaluated and justifiably appraised the said Exhibits D4 and D17, which permit the prolixity, is the same document. The indubitable summation is that the Appellants failed to displace the presumption that the conclusion of the lower court on the facts represented in Exhibits D4 and D17 are correct in order for the decision to be upset on the facts: **EBOLOR vs. OSAYANDE (supra)**. Ineluctably, this issue number four is resolved against the Appellants.

The harbour looms in the horizon and the coastline is clear to berth this judgment at the quays. All the issues for determination have been resolved against the Appellants. The concomitance is that there is no merit in this appeal. It is accordingly dismissed and the judgment of the lower court is hereby affirmed. There shall be costs of ₦200, 000.00 in favour of the 1st-4th Respondents.

MRS OKORIE E. C
PRINCIPAL EXECUTIVE OFFICER
CERTIFIED TRUE COPY
COURT OF APPEAL
LAGOS

UGOCHUKWU ANTHONY OGAKWU
JUSTICE, COURT OF APPEAL

Appearances:

G. M. O. Oguntade, Esq., SAN (with Dapo Opakunle, Esq.) for the Appellants.

Mrs. Jelilat Yusuf for the 1st-4th Respondents

Olusola Soneye, Esq., Asst. Director, Ministry of Justice, Lagos State for the 6th & 7th Respondents.

5th Respondent absent and not represented by counsel.

CA-L-1082-14

28

CERTIFIED TRUE COPY

CA/L/1082/2010

IOBELE ABRAHAM GEORGEWILL, JCA.

I had the privilege of reading in draft the lead judgment of my lord **UGOCHUKWU ANTHONY OGAKWU, J.C.A.**, just delivered with which I agree and adopt as mine. I have nothing more to add.

IOBELE ABRAHAM GEORGEWILL
JUSTICE, COURT OF APPEAL

14/2/17
MRS OKORIE E. C
PRINCIPAL EXECUTIVE OFFICER
CERTIFIED TRUE COPY
COURT OF APPEAL
LAGOS

cc of Judgment
= N1,000

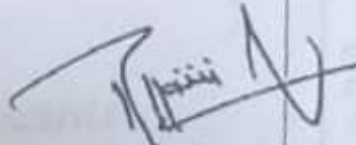


CERTIFIED TRUE COPY

CA/L/1082/2014

TIJJANI ABUBAKAR, JCA

My learned *Brother Ugochukwu Anthony Ogakwu JCA*, granted me the privilege of reading in draft the lead Judgment just rendered. I am in agreement with the comprehensive reasoning and conclusion and therefore adopt the entire judgment as my own with nothing extra to add.



TIJJANI ABUBAKAR
JUSTICE, COURT OF APPEAL

14/7/17

MRS. OKORIE E. C PRINCIPAL EXECUTIVE OFFICER CERTIFIED TRUE COPY COURT OF APPEAL LAGOS
--

CERTIFIED TRUE COPY