# THE POWERS OF STATE GOVERNORS UNDER THE LAND USE ACT: A REVIEW OF SOME SELECTED DECISIONS OF THE SUPREME COURT OF NIGERIA

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## ABSTRACT

The importance of land to human existence cannot be overemphasized. This is because it is from land that man gets essential items for his survival. Such as food, fuel, clothing, shelter, medication and others. Hence, any legislation on the subject will attract the interest of public. Therefore, this paper using doctrinal research methodology, reviews some selected decisions of the Supreme Court of Nigeria decided under the relevant provisions of the Land Use Act (1978); and found that enormous powers are given to the governors in relation to the control and management of land in their respective States ; also, an inelegant drafting of some provisions of the Act and the attitude of the Supreme Court in interpreting the provision of section 5 of the Land Use Act in isolation from other provisions of the Act, open doors for debates and arguments as to the extent of the governors' powers and the relevance or otherwise of section 5(2) of the Act. It is thus, recommended that the Act needs to be holistically reviewed.

**Keywords:** Governor, Land Use, Legislation, Power, Right.

## 1. Introduction

The enactment of the Land Use Act was borne out of the necessity to harmonise the existing land tenure systems in Nigeria and; to do away with the problem of land speculation and the difficulty in obtaining

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land for developmental, residential, agricultural and commercial purposes.[1] These needs gave birth to the provision of section 1 of the Land Use Act[2] which provides that:

> Subject to the provisions of the Act, all land comprised in the territory of each state in the federation are vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of Nigerians in accordance with the provision of this Act.

This provision of the Act has been interpreted by the Courts with varying meanings and implications.[3] To some commentators, the Section[4] has revolutionized the radical title from individual Nigerians and vested it in the Governor of each state in trust for the use and benefit of all Nigerians; and that signals the death of private ownership.[5] Whereas, to some particularly the anti-nationalization school of thought, the rights of citizens in land although regulated, are in no way destroyed. The right to enjoy remains, the right to dispose is only impaired, except the transaction relating to land under section 36 of the Act which completely bars transactions in land.[6] The anti-nationalization school of thought argued further that the governor is not the beneficial owner of the land by virtue of section 1 of the Act, but only a trustee.[7]

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[1] Smith, I.O. *The Law of Real Property in Nigeria*. Lagos State University Press, Lagos (1995) P. 198

[2] Cap L5, LFN (2004). The Land Use Act would herein after be referred to as the Act in this paper.

[3] Abioye V. Yakubu (1991) 5NWLR part 190 p. 130; Teniola V. Olohunkun (1999) 5 SCNJ 89 at 101

[4] Section 1 of the Act,

[5] This idea is held by a group called in academic circle (Nationalization School) a good example is Daudu, J.B. (SAN), see his article, Judicial Abridgment of State Governor's Powers under Section 5(2) of the Land Use Act, in: Kanam, M.G. and Madaki, A.M. (ed) *Contemporary Legal Issues in Nigerian Law*. ABU Zaria, (2006) p. 547

[6] This is what is called (Awan Igiya) that is subdivision of farms or undeveloped lands in rural areas by supposed owners for onward sales to others. Adekoya, C.O. Land Use Act and Constitutional Matters Arising, in: Smith, I.O. (eds): *The Land Use Act Twenty-Five Years After*. Faculty of Law, UNILAG (2003)

[7] Critics have commented that the Character, nature and incidence of the trust allegedly created is not clear and defined. See Omotola, J.A. Does the Land Use Act Expropriate? in: Smith, I.O. (eds) (Supra)

With the benefit of the foregoing introductory paragraphs, this paper aligned with the thought of anti-nationalization school, and it sets out to discuss the topic under the following sub-headings: nature and types of rights created under the Act, nature of trusteeship power of the governor, types of governor's power under section 5(1) of the Act, lands subject to the exercise of the governor's power under section 5(1), and relevance or impact of section 5(2) of the Act; and finally conclusion.

## 2. **Nature and Types of Rights Created under the Act**

Control and management of lands in any state in Nigeria, for administrative purposes, is put in the hands of the governor of the state and the local government where the land is situated.[8] The governor in the exercise of his power of management over the land in the state is empowered to grant statutory right of occupancy to any person for all purposes under section 5 of the Act. It could be deduced from the reading of the provisions of the Act that upon the grant of the right of occupancy, all prior existing rights over the land stand extinguished.[9] However, the local government is empowered to grant customary right of occupancy with respect to lands in non-urban area.[10]

Owners of developed land prior to the coming into force of the Act were converted to deemed grantee of statutory/customary right of occupancy issued by the governor/local government on the application of the person in whom the land was vested immediately before the commencement of the Act or any occupier or holder of such land whether under customary rights or otherwise.[11]

The pertinent question at this juncture is: what is the nature of rights granted under the Act? is it a freehold, leasehold or a license? This question becomes more poignant when the position of the deemed grantee is considered. There seem to be consensus that, the Act took away the allodial title from prior owners and vest same in the governor of the state for the benefit of all Nigerians. The implication of which is turning prior owners to tenants, with limited, ascertainable,

[8] Section 2(1) (a) & (b) Land Use Act, Cap L5, LFN (2004)
[9] Section 5(2) of the Act
[10] Section 6 of the Act.
[11] Section 34(3) and 36(3) of the Land Use Act, Ibid

determinable and defeasible rights in the land. This conclusion is premised arguably on the provisions of the Act.[12]

It is however, opined here that while the conclusion may be inescapable when the right of an express grantee is considered, same conclusion may not be reached with respect to the right of a deemed grantee, for the reasons that, (i) save for the consent provision and compensation provided by the Act[13] on one hand, and the powers of governor with respect to the undeveloped land in excess of ½ hectare[14] on the other hand, the Land Use Act does not fundamentally affect the title of deemed grantee; (ii) the bulk of the powers of the governor is evident in the certificate of occupancy which a deemed grantee is not obliged to take, for unlike express grantee he takes it at his own discretion.[15]

In this respect, the position of the governor as the person in whom the land is vested can be likened to the position of the crown in England, where ownership of land is vested in the crown with the subjects owing only an interest in the land, which interest is defeasible, meaning capable of being defeated, annulled, terminated or invalidated. The highest interest in land in England is fee simple absolute, which is described as a grant to, for instance "A and his heirs", Heirs here are limited to any descendants of the grantee, once there is no heir to inherit the estate, it reverts to the grantor, the crown.[16]

Thus, like a fee simple holder in England a deemed grantee who had freehold land prior to the Act, though subject to certain limitations expressed by the Act[17] as to the quantum of interest the grantee may have,[18] would continue to hold an indeterminable interest in the

[12] Section 1 of the Act, Chianu, E. Land Use Act and Individual Land Rights in the Land Use Act, in Smith, I.O. (ed) *the Land Use Act Twenty-Five Years After* (Supra).
[13] Sections 21 and 29 of the Act
[14] Section 34 of the Act
[15] Ibid P. 8
[16] Other notable interests in land are fee tail, life estate and leasehold which are not subject matter of this paper, however for full discussion of them, see Mergery and Wade. Law of Real Property. Macmillan Press, London (2002)
[17] Sections 34 and 36 of the Act
[18] Under Section 34 (5)(a) & (b) of the Act, a deemed grantee cannot own an undeveloped land in excess of half hectare in urban areas and all the rights formally vested in the holder in respect of the excess of the half hectare is extinguished and taken over by the governor; on one hand and on the other hand under section 36(5) a deemed grantee of a customary right cannot subdivide or lay out his land in plots to

property subject only to the state right of compulsory takeover of the property for overriding public purposes and limited right of alienation.[19]

Such deemed grantee will only lose this fundamental freehold right where he applies for the issuance of certificate of occupancy from the governor, thus making his interest determinable, as he will not be granted any tenure beyond 99 years; and no clear provision for renewal from the Act, bearing in mind the provisions of section 5(1), 8 and 34 of the Act.

The position that a deemed grantee under the Act who had a freehold land prior to the enactment of the Act, can be likened to a fee simple holder in some respect is further strengthened by the provision of the Act, particularly section 36(2) which permitted the occupier or holder of such land not in urban area been used for agricultural purposes prior to the Act, to continue using same for agricultural purpose as if a customary rights of occupancy had been granted to the occupier by the appropriate local government authority couple with the fact that the section did not define the duration of the deemed grant of customary right of occupancy.

## 3. **The Nature of the Trusteeship Power of the Governor**

The comprehensive pronouncement on the state of the law with respect to land holding system in Nigeria prior to the enactment of Land Use Act (1978), can be found in the locus classicus case of Abioye v. Yakubu,[20] per his lordship Bello, CJN thus:

> Before the making of the Act (Land Use Act) all lands in the Northern states were vested in the Governor of each state where the land is situated as trustees for the people

transfer to other persons. It is however, important to note that this is not the situation in practice. It is rarely in record that deemed grantees of urban land, lost their excess land to the state nor are deemed grantee of customary right in fact precluded from sale and sub-division of land.

[19] Such powers of the state predate the Land Use Act as evident in various Compulsory Acquisition Laws in Nigeria. It is noted that unlike a fee simple holder, a deemed grantee cannot alienate his holding without the prior consent of the governor as provided in 21 and 22 of the Act. However, there is no known case of consent refusal by the governor; meaning that consent provision is more of administrative and taxing hurdles in the way of potential assignors.

[20] (1991) 5 NWLR part 190, p. 130 at 201 para A-C

> and an individual had only a right of occupancy, statutory or customary, granted by the governor or local government respectively. However, in the southern states except few portions of lands that were vested in the governor of each state under its state's land law, the vast land within the states were vested in individuals, families and communities as absolute owners under customary law. Since not every family or community owned land, the land owners would put on terms the landless on a portion of their land as customary tenants. It is pertinent to emphasize that the land owners occupied and used the vast area of their land while the customary tenants only occupied and used the portions granted to them in perpetuity subject to payment of tributes. That was the root from which the law of customary tenancy grew in our customary law.

The above shows that prior to the commencement of the Act, there is no uniform land tenure system in Nigeria; there exist a chaotic land tenure particularly in the southern part of Nigeria, hence the need for the promulgation of the land tenure law imposing on the whole of Nigeria a uniform land tenure system,[21] that gave birth to the provision of section 1 of the Land Use Act. With this provision, the governor becomes a trustee of all the land in the state and holds the allodial title to it. Thus, it is argued by nationalization school of thought that, no person can claim unlimited interest on land since the commencement of the Act, because whatever interest that is claimed on land, is still subject to the superior title of the governor.[22]

The nature of trusteeship power of the governor has been a subject of hot debate among commentators.[23] While some commentators believed that the governor is only a nominal owner of the land vested in him by the provision of section 1 of the Act.[24] Others are of the view that the governor is more than a nominal owner of the land, particularly when viewed against the background of the powers vested in him for control and management of land within the state. These powers are so

[21] See the reported speech of the Chief of Supreme Military Headquarters on the inauguration of the Land Use Act Panel in 1977 on page 5.
[22] Banire, M.A. *Trusteeship Concept under the Land Use Act: Mirage or Reality*? In Smith, I.O. (ed) Land Use Act Twenty-Five Years After. (Supra) P. 91
[23] Omotola. Does the Land Use Act Expropriate? Smith, op cit.
[24] See Umezulike, O.D. Does Land Use Act Expropriate? Smith, op cit. p. 71

enormous to have even overshadowed the power of management of non-urban land vested in the local government.[25]

For instance, under section 3 of the Act, the governor, at his discretion, is empowered to declare the land in the state as urban and non-urban land. He is given the exclusive management of urban land, thus, where he declares all land in the state as urban land, no land is left in the local government to manage. Likewise, the governor has power to grant statutory right of occupancy over all lands in the state for all purposes.[26] Thus, with the governor being vested with the allodial or radical title to all lands in the state, it is argued that, all other interest in land become an estate less than freehold.[27]

## 4. **Types of Governor's Power under the Act**[28]

There is no single word repeatedly mentioned in the Act more than 'Governor', this word became the focal point of the Act, and wide powers are vested in him in relation to control and management of land in the state to the extent that no court shall have jurisdiction to inquire into (a) any question concerning or pertaining to the vesting of all land in the state in him (governor) or (b) any question concerning or pertaining to his right to grant a statutory right of occupancy in accordance with the provision of the Act.[29] Therefore, the governor has the following powers;

a) Power to grant statutory rights of occupancy to any person for all purposes in respect of land, whether or not in an urban area.[30] The meaning of this power is clear and unambiguous. However, what is not clear from the provision of the Act, is on what land

[25] Section 6 of the Act.
[26] Section 5(1) of the Act
[27] Though the Act did not define a right of occupancy and its extent, but it is trite that no right of occupancy has been granted beyond 99 years, and the fact that the Act did not provide for renewal of the right of occupancy on expiration reinforced the conclusion that not only is the right of occupancy defeasible, but it is also of a determinable period, thus likened to a lease. More so, because right of occupancy has terms and covenant and certainty of duration. See generally Omotola, Essays on Land Use Act (1978) UNILAG Press, Lagos (1984) pg. 9
[28] This part of the paper examines the types of powers of the governor under section 5(1) of the Act
[29] Section 47(1) (a) and (b) of the Land Use Act, Cap L5 LFN (2004)
[30] Section 5(1)(a), Ibid

holding should the governor exercise such powers to grant such right and what effect does it have.[31]

b) Power to grant easements appurtenant to statutory right of occupancy. Easement is a right, created by an express or implied agreement to make lawful and beneficial use of the land of another. However, is 'appurtenant' or 'easement proper' when it is attached to land and benefits or burdens the owner of such land in his use and enjoyment thereof, example, where A allows B the right of way over his land so that B has access to the highway, such is an easement appurtenant to B's land. This easement passes with the dominant estate to all subsequent grantees and is inheritable.[32]

Other powers of the governor in relation to land whether or not in an urban include:

c) Demand rental for any such land granted to any person;
d) Revise the said rental at such interval as may be specified in the certificate of occupancy or where no specification therein, at any time during the term of statutory right of occupancy.
e) Impose a panel rent for a breach of any covenant in a certificate of occupancy requiring the holder to develop or effect improvements on the land, or to revise such panel rent as provided by the Act.[33]
f) Impose a panel rent for a breach of any condition, express or implied, which precludes the holder of a statutory right of occupancy from alienating the right of occupancy without prior consent of the governor.
g) Waive, wholly or partially, except as otherwise prescribed, all or any of the covenants or conditions to which a statutory right of occupancy is subject, owing to special circumstance that makes compliance impossible or great hardship would be imposed upon the holder.
h) Extend the time to the holder of a statutory right of occupancy for performing any of the conditions of the right of occupancy, upon such terms and conditions as he may think fit.

[31] These Questions are the Subject of Forensic Analysis in following Sections of the Paper.
[32] Gifis, S.H. Law Dictionary (5th edition) Barrow's Educational Series, Inc. USA (2003) p. 30
[33] Section 19 of the Act

Pursuant to the exercise of the powers of governors to impose land charges, rent, levies and penalties, states in Nigeria passed laws that make provisions for the payment of land charges and for the collection, levying and for purposes connected therewith.[34]

## 5. Land subject to the Exercise of the Governor's Power[35]

It is crystal clear that, the governor has lawful authority under the Act to grant statutory right of occupancy to any person for all purposes, be it residential, commercial, agricultural or industrial, with respect to land whether or not in an urban area.[36] However, there is an issue subject to great debate that, whether the governor can grant statutory right of occupancy on a land subject to earlier grant (statutory or customary), the genesis of which is the provision of section 5(1) of the Act.

Two conflicting positions on the effect of Section 5(2) of the Act, can be identified from several decisions of the apex court (Supreme Court). On one hand, the Supreme Court decisions in Titiloye v. Olupo[37] and Gankon v. Ugochukwu Chemical Industry Ltd,[38] posited that, there is no need for a grant of customary right of occupancy to first be revoked, it is extinguished by the issuance of the statutory right of occupancy. It is imperative here to quote Karibi-Whyte JSC in the case of Gankon v. Ugochukwu[39] quoted with positive approval by Ayoola JSC in Teniola V. Oluhunkun[40] thus:

> Mr. Dauda has submitted that an existing customary occupancy must be revoked before a statutory right of occupancy can be valid. This is a misreading of section 9 (1) (b) of the Land Use Act. A statutory right of occupancy

[34] A good example is Kano State Land Use Charges Law 2016. K.SA. Law No. 4 of 2017. Kano State of Nigeria Gazette No. 4 dated at Kano 14th September, 2017 Vol. 49 Vol. at pp. A35 – A54

[35] This sub-topic is examined pursuant to Section 5(1) of the Act

[36] Section 5(1) of the Land Use Act, op cit

[37] (1991) 7 NWLR pt. 205 p 519

[38] (1993) 6 NWLR pt. 297 p. 55

[39] Ibid p. 57

[40] (1994) S.C.N.J. 89 at 101

> automatically extinguishes all existing rights in respect of the parcel of land over which it is granted.

On the other hand, the Supreme Court posited that, the exercise of the powers of the governor to grant statutory right of occupancy on a land which is subject to earlier grant be it statutory or customary cannot extinguish the right of the holder in the earlier grant (express or deemed). The authority for those propositions are many and notable among them is: Dantsoho v. Muhammad,[41] Ibrahim v. Muhammad[42] and Ilona v. Idakwo.[43]

It is apt here to refer to the lead judgment of the Supreme Court in Dantsoho v. Muhammad read by Katsina-Alu (JSC) on the issue of the proper interpretation to be accorded to section 5(2) of the Act, he said as follows:

> It is not the intention of the Act that an earlier grant be undermined and impliedly revoked by a later grant for which no compensation may be made. Now, the rights which I think will be automatically extinguished upon the grant of a statutory right of occupancy include licenses and usufruct. These rights do not carry with them a right to develop the land. Such rights may be abrogated at a moment notice with little or no hardship done to the users of the land.[44]

It is undoubtedly apparent that the reason for these conflicting decisions of the Supreme Court lies with its failure to review all the provisions of the Act in order to identify the nature and scope of the Governor's power under section 5 of the Act, instead the Supreme Court interpreted the provision of Section 5(2) of the Act in isolation. The entire statute should be taken into consideration in order to discover the actual meaning of a particular provision and each clause

[41] (2003) 6 NWLR pt. 817
[42] (2003) 6 NWLR pt. 817
[43] (2003) 6 NWLR pt. 830
[44] Daudu, J.B. Judicial Abridgement of State Governor's Powers under Section 5(2) of the Land Use Act: Activism or Pragmatism op cit, and; Madaki, A.M. The Relevance or otherwise of Section 5(2) of the Land Use Act Examined. *ABU Law Journal*, Vol. 6 (2008) p. 180 – 192.

should be interpreted as to bring it into harmony with other provisions.[45]

The germen question here is over which land the government can validly grant right of occupancy under section 5(1) of the Act? The lands over which the governor can validly grant right of occupancy has been clearly identified by Ezejiofor, and are:

1. Undeveloped lands in urban areas in excess of ½ a hectare under section 34(5) of the Act;
2. Land in rural areas which were neither developed nor used for agricultural purposes at the commencement of the Act, under section 36 of the Act;
3. Land which are subject of rights of occupancy granted from the stock of lands in 1 and 2 above or deemed to be granted under sections 34 and 36 of the Act, which have been revoked by the governor in accordance with the provisions of section 28 of the Act.[46]

The above according to Madaki,[47] shows that the power of the Governor to grant right of occupancy at any time is limited to these three categories of land in the state, thus, if the Governor purports to grant rights of occupancy outside the lands specified above, such grant is a nullity and cannot be protected by section 5(2) of the Act.

## 6. **Review of the Conflicting Supreme Court Pronouncements**

The debate over the Supreme Court's interpretation has attracted academic debate as a result of the two opposing positions of the Supreme Court outlined earlier in this paper. It is much commendable to reproduce the sub-section here for analysis.

It provides thus:

> "Upon the grant of a statutory right of occupancy under the provisions of subsection (1) of this section, all existing rights to the use and occupation of the land, which is the

[45] Ezejiofor, G. Interpreting Section 5 of the Land Use Act. *Journal of Private & Property Law,* Vol. 19, (1994) p. 27
[46] Ibid, p. 39
[47] Madaki, A.M. *The Relevance or Otherwise of section 5(2) of the Land Use Act Examined*. Op cit. p. 190 – 191.

> subject of statutory right of occupancy, shall be extinguished:".

Writers particularly, Ezejiofor and Madaki have opposing views, on the relevance or impact of section 5(2) of the Act, even though, mindful of the interpretation given to the sub-section by the Supreme Court in Dantsoho v. Muhammad,[48] which they considered not correctly made by the Court.

According to Ezejiofor, the relevance or impact of the sub-section is that, when a grant is made pursuant to section 5(1), section 5(2) is to shield a person to whom a right of occupancy is granted by the governor so that he is not menaced by the person in whom the land was vested before the commencement of the Act or before the revocation of his right of occupancy.[49] This include persons who hold land in excess of ½ hectare in urban area which is undeveloped, or in occupation of land in rural area not for agricultural purposes, and those whose land was revoked by governor for overriding public interest or for public purpose or otherwise.

In respect of Ezejiofor argument, Madaki with great respect says:

> "This is not correct because at the commencement of the Act all land to which section 34(5) (a) and (b) and 36 applies have been validly taken over in view of the overwhelming effect of section 1 of the Act"

He continues further that:

> By this provision, such lands have been validly taken over and properly vested in the state governor. Therefore, a person who gets a grant from the governor will not require any shield to enjoy quite possession. Similarly, once the governor validly revokes a right of occupancy under section 28 of the Act, section 28(7) provides that 'the title of the holder of a right of occupancy shall be extinguished on receipt by him of a notice given under subsection (5) or on such later date as may be stated in the notice'. The combine effect of sections 1 and 28(7) of the Act is that the

[48] Supra
[49] Ezejiofor, op cit p. 39

> holder is adequately informed of the takeover of the land by the governor.[50]

It is the humble opinion of Madaki that, section 5(2) of the Act is not relevant under the Land tenure system introduced by the Act. The sub-section is at least redundant and at worst's a surplusage.[51]

The position of the Supreme Court gain support from the fact that, even though by virtue of the provision of section 12 of the Act, the governor may grant a license to any person to enter any land and remove or extract there from any stone, gravel, clay, sand or other similar substance not being a mineral for building or for the manufacture of building materials. That right to use and occupation of land subject to license, is lesser, the fact that by the clear provision of section 12 is subject to statutory right of occupancy. Meaning that, immediately the governor grants statutory right of occupancy on the same land subject to license, that extinguishes every right of the licensee, howsoever, long it may be; and there is no requirement under the Act for the cancellation of the license or notice to the licensee before grant of statutory certificate of occupancy by the governor.

Likewise, the governor is empowered to revoke land for overriding public interest, public purpose or otherwise. Such as for breach of the covenants contained in the certificate of occupancy under section 28 of the Act, and such exercise of the power by the governor extinguishes the title of the holder of a right of occupancy on receipt by him of a notice required by the Act.[52] That power is not enough for the governor to have perpetual control of such land or to protect other persons with lesser interest, like license, for the extraction of building material from the reversionary interest of the holder of revoked land, unless if the governor after such revocation grant statutory right on the said land.[53]

It thus happens at times that government may revoke interest in land for a term of years or absolutely. Where the property is acquired for a term of years, at the expiration of the term, the property automatically reverts back to the owner. It could also happen that after the revocation of a right of occupancy for a particular purpose, the government later

[50] Madaki, A.M. op cit p. 191
[51] Ibid p. 192
[52] Section 28 (6) of the Act.
[53] See Olatunji V. Military Governor, Oyo State (1995) 5 NWLR pt. 397 p. 586

abandons the land, and the land remains unoccupied even after the limitation period of twenty years.[54] In such instance, the land would revert back to the owner by operation of law. Similarly, where the public purpose for which the right of occupancy was originally revoked had failed, the land would revert back to the owners by operation of law.[55]

In Olatunji v. Military Governor, Oyo State, the Supreme Court held thus:

> "If the acquiring authority can no longer find a public purpose for the land acquired, the only avenue open to it is to de-acquire it and let same revert to the person in whom it was already vested. In all cases where public purpose fails, the land will revert to the original owners".[56]

## 7. **Conclusion**

Based on the foregoing discourse there was an evolution of new system of land tenure under the Land Use Act 1978, that creates new types of rights in land and donates enormous powers to the governors as trustees with respect to the control and management of land in their respective states in Nigeria.

The Act has changed the landscape of property law in Nigeria. It is inelegantly drafted with adverse effect on private property right of citizens as recognized by the Constitution of the Federal Republic of Nigeria, 1999. The Act is for long due for review[57] and therefore, government needs to take steps towards reviewing it for economic development.

[54] Example, Section 16(1) of the Limitation Law of Lagos State, Cap L67 Laws of Lagos State of Nigeria 2003. Limit the Power of State Government to bring an action to recover any Land after the expiration of 20 years from the date on which the right of action accrued to the state authority.
[55] Olatunji V. Military Governor Oyo State, op cit p. 587
[56] Ibid.
[57] Late President Musa Yar'adua Proposed some amendments to the Land Use Act. See Daily Trust Newspaper Monday February 23rd, 2009, p. 5