

25 June 2025

Key contacts



Sadiq Illegieuno
Partner,
Dispute Resolution
sadiq.illegieuno@templars-law.com



Francis Jarigo
Associate,
Dispute Resolution
francis.jarigo@templars-law.com



Oliver Chukkol
Associate,
Dispute Resolution
oliver.chukkol@templars-law.com

TEMPLARS ThoughtLab

Property Title Revocations in Abuja: *Navigating the Legal Issues*

Introduction

Upon assuming office in 2023, the current Minister of the Federal Capital Territory, Abuja¹, (the FCT Minister), through the Federal Capital Territory Administration (FCTA)², issued public notices regarding non-payment of ground rents for properties within the Federal Capital Territory (FCT). The public notices targeted at land holders, directed those with outstanding ground rents to pay up or have their land titles revoked.³ The notices, however, seemed to have been largely ignored or undermined and following which the Minister approved the revocation of 4,794 land titles in the FCT in March 2025.⁴

In line with this directive, on 26 May 2025, the FCTA began physical enforcement by sealing off the affected properties, including premises owned by individuals, corporations, frontline political parties, such as the People's Democratic Party⁵, and notable parastatals like the Federal Inland Revenue Service and the National Agency for the Prohibition of Trafficking in Persons⁶. The enforcement has, however, been paused on the intervention of Mr. President⁷ resulting in a 14-day grace period to defaulters.⁸

¹ His Excellency (former) Governor, Ezenwo Nyesom Wike, CON.

² The FCTA is an organ of the Government tasked with ensuring the FCT operates efficiently and provides services to residents, while also overseeing infrastructural and physical developments. The FCT Minister is the administrative head of the FCTA.

³ <https://www.premiumtimesng.com/news/headlines/627533-wike-revokes-lands-belonging-to-peter-obi-imoke-bua-162-others-in-abuja-full-list.html> accessed on 27 May 2025.

⁴ The Minister is believed to have exercised his powers under Section 28(5)(a) and (b) of the Land Use Act, 1978.

⁵ https://punchng.com/ground-rent-fcta-shuts-pdp-firs-naptip-headquarters/?utm_source=top-story&utm_medium=web accessed 27 May 2025.

⁶ Ibid n. 4

⁷ On 27 May 2025.

⁸ Ibid n. 4

The actions of the FCTA, executed under the authority of the FCT Minister, have sparked public outcry, and concerns have been raised as to whether land titles can be revoked based on default or nonpayment of ground rent, and the implications of such revocation. This publication aims to discuss powers of the FCT Minister to effect revocation of land titles, the basis or grounds for revocation, the procedure for such revocation, and if this procedure has been observed. It also examines the implications or legal effect of such revocation, the legal import of failure to follow the procedure for revocation, and what the land holders must do to navigate through the situation.

Should Land Holders Pay Ground Rent?

The advent of the Land Use Act of 1978⁹ ("the Act" or "the LUA") changed the land ownership landscape in Nigeria by expropriating land originally owned by individuals, families and communities in the country and vesting same in the State represented by the Governors of the individual States where the land is located¹⁰, and the President of the Federal Republic of Nigeria, in the case of the FCT.¹¹ The Governor or the President administers the land for the common benefit of all Nigerian citizens.

Who Owns the Land?	What You Get
The Governor (or President for FCT) holds all land in trust for Nigerians.	A Right of Occupancy (not ownership), formalized by a Certificate of Occupancy (C of O).
What is Ground Rent?	Legal Basis
A mandatory annual fee paid by landholders as a condition of their right of occupancy.	A Sections 5, 10, and 28 of the Land Use Act 1978.
Who Pays It?	When is It Paid?
A mandatory annual fee paid by landholders as a condition of their right of occupancy.	Annually, or as specified in the Certificate of Occupancy.
Who Collects It?	Can It Be Reviewed?
The Governor (or FCT Minister in Abuja), on behalf of the government.	Yes. The rent can be revised periodically by the issuing authority.
What If You Default?	Why It Matters
Penalties or revocation of the right of occupancy (Section 28).	Ground rent keeps your land right valid and enforceable. Without it, your title is at risk.

In the new arrangement under the Act, absolute ownership of land has been replaced with usufructuary rights, i.e. rights of occupancies¹² granted through the issuance of certificates of occupancy by the Governors or the President, which allow the grantee to hold and use the land for

⁹ Land Use Act 1978, Chapter L5 Laws of the Federation of Nigeria 2004

¹⁰ See section 1 of the Land Use Act which provides that "Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation is hereby vested in the Governor of that State, and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act."

¹¹ See section 49 of the Act and section 299(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which provides that "The provisions of this Constitution shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation; and accordingly - (a)... the executive powers...vested in... the Governor of a State...shall...vest in the ...President of the Federation."

¹² It should be noted that there are mainly two types of right of occupancies under the Act. **Statutory right of occupancy** which means right of occupancy granted by the Governor under the Act, and **Customary right of occupancy** which means the right of the community or person lawfully using or occupying land in accordance with customary law and includes a customary right of occupancy granted by a local government under the Act. However, section 34 (of LUA, which is the transitional provision, also recognizes a third category known as **Deemed right of occupancy**. It relates to lands that had been vested in persons before the commencement of the Act.

a certain period and under certain conditions set out in the certificates¹³. The holders of rights of occupancies are not regarded as landowners but '*land holders*' since they do not have absolute ownership. One of the conditions or obligations imposed on land holders through the certificate of occupancy is the payment of ground rent to the Government.

Ground rent is essentially a tax levied and collected by the Government on land (*both developed and undeveloped*) granted to individuals and corporate entities.¹⁴ In the FCT, the FCT Minister, who exercises the executive authority vested in the President over lands within the FCT, on behalf of the President¹⁵, is empowered to demand ground rent from land holders in respect of land over which rights of occupancies have been granted to them, revise the rent at such intervals as may be specified in the certificate of occupancy, or where no intervals are specified, at any time during the duration of the right of occupancy¹⁶.

Landholders are obligated to comply with the terms of grant of the rights of occupancy to be able to hold and sustain the enjoyment of the use of the land granted to them. For example, they are required to pay their ground rent, and where there is default or nonpayment, the holder's title could be withdrawn or revoked¹⁷.

Grounds for Revocation of Land Titles

The power to revoke land titles is vested in the Governor of a State, and in the case of the FCT, the Minister of the FCT, who exercises the executive authority of the President over lands within the FCT,¹⁸ including the power to revoke land titles in permitted circumstances¹⁹. In other words, the FCT Minister acts as *the Governor of the FCT* and possesses the authority to revoke land titles within the FCT where grounds for revocation exist²⁰.

The LUA which is the overarching statute regulating the administration and land ownership in Nigeria, sets out the grounds for revocation of land titles in the States, including the FCT. Such grounds include, amongst others²¹:

1. **Overriding Public Interest:** Section 28(1) states that a right of occupancy may be revoked for overriding public interest.²² This has been explained to include situations where the land is required for public purposes such as infrastructure development, urban planning, or public health initiatives, mining purposes, or oil pipelines, and situations where the land has been alienated unlawfully.²³
2. **Breach of Terms and Conditions of Grant:** This relates to circumstances where the holder of a right of occupancy breaches any term or condition attached to the grant and in which

¹³ See section 1 of the Land Use Act. Leases are typically granted for 99 years.

¹⁴ Another phrase that is closely related to ground rent is penal rent. Penal rent simply refers to a statutory penalty imposed by the government for failure to honour covenants in the certificate of statutory right of occupancy. The covenants may include a covenant to pay ground rent, a covenant to develop the land, a covenant to use the land in a particular manner, and so on. The Land Use Act gives the Minister of FCT the power to impose penal rent.

¹⁵ See section 18 of the Federal Capital Territory Act, LFN 2004.

¹⁶ See section 5 of Land Use Act.

¹⁷ In the case of *DDPA & Anor v. Mekwunye* (2022) LPELR-58459(CA) the court held that the interest of a holder of a right of occupancy may be revoked not only for overriding public interest but also for the breach of any term contained in the certificate of occupancy. This was also restated by the Supreme Court in the case of *Brossette Manufacturing (Nig) Ltd v. Mrs. Ola Ilemobola Ltd & Ors* (2007) LPELR-809(SC); see also See Section 28 (5) (b) of the Land Use Act.

¹⁸ By virtue of section 18 of the Federal Capital Territory Act, LFN 2004 and section 299(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which provides that "The provisions of this Constitution shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation; and accordingly - (a)... the executive powers...vested in... the Governor of a State...shall...vest in the ...President of the Federation."

¹⁹ See grounds for revocation under section 28 of the Land Use Act

²⁰ See the case of the case of *Promasidor (Nig) Ltd v. Amsalco Industry Ltd & Anor* (2021) LPELR-56420 (CA)

²¹ See generally, Section 28 of the Land Use Act.

²² *Ibid*, s. 28(1).

²³ *Ibid*, s. 28(2) & (3).

case, the title can be revoked.²⁴ These terms, outlined in sections 8, 9 and 10 of the Act, cover contractual terms made between the Governor and the right holder, the requirement for the right holders to pay for the certificate of occupancy issued to them,²⁵ pay for any unexhausted improvements predating his initial occupation, as well as **ground rent that may be determined by the Governor of the State, which for the FCT, is the FCT Minister**.²⁶ Thus, based on these provisions, the Minister is empowered to revoke a right of occupancy when the terms and conditions of grant are breached or not complied with.

3. **Failure to develop the land within a specified period**²⁷: Another possible reason for revocation is failure on the part of a right holder to develop the land within the period specified. This position was judicially acknowledged in the case of **Obi v. Minister of FCT**.²⁸ In that case, the land holder had failed to develop the plot within 2 years, a condition/term which was stated in the certificate of occupancy and the Court held that the Minister was entitled to revoke the title.

Notwithstanding the foregoing, it should be noted that revocation of land title, on any of the above grounds, ought to be carried out in compliance with due process and the procedure laid down by law.

Procedure for Revocation

In exercising his power of revocation, the Minister is required to serve notice of the proposed revocation on the defaulting land holder and,²⁹ where applicable, ensure payment of compensation to the holder for the unexhausted improvements³⁰ on the land.³¹ The foregoing procedural requirements are strictly enforced so that where there is noncompliance, any resulting revocation may be set aside or nullified by the court upon an appropriate legal action by the affected land holder³².

Implication of Revocation

It is instructive to note that where a right of occupancy is revoked, the land/title will be forfeited to the Governor of the State or the FCT Minister (as the case may be), and all rights or interests in the land previously vested in the land holder are extinguished.³³ In this case, the Governor is entitled to grant a new right of occupancy in respect of the affected land to other eligible persons.

Avoiding or Navigating Revocation

In view of the unpalatable consequences that may be associated with revocation of land titles, land holders could take some proactive steps to avoid or navigate through the revocation event. Some of such steps include but not limited to the following:

²⁴ Ibid, s. 28(5).

²⁵ Ibid, s. 9(3).

²⁶ Ibid, s. 10(a) & (b).

²⁷ This Ground draws from Section 19 of the Land Use Act

²⁸ [2015] 9 NWLR (Pt. 1465)

²⁹ See Section 28 of the Land Use Act

³⁰ Section 51 of the Land Use Act, defines "improvements" or "unexhausted improvements" to mean anything of any quality permanently attached to the land, directly resulting from the expenditure of capital or labour by an occupier or any person acting on his behalf, and increasing the productive capacity, the utility or the amenity thereof and includes buildings, plantations of long-lived crops or trees, fencing, wells, roads and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce.

³¹ Ibid, Section 29.

³² See *Osho v. Foreign Finance Anor* [1991] 4 NWLR (Pt. 184) 157. Also, in *Nitel v. Ogunbiyi* [1992] 7 NWLR 543, the Court of Appeal nullified a revocation notice that was not personally served on the property owner at the address known to the Government.

³³ Section 28(7) of LUA and the case of *Udoh & Ors v. Akwa Ibom State Government & Anor* (2013) LPELR-21121 (CA).

- **Pay Ground Rent:** Section 10 of the Act mandates the payment of ground rent as stipulated in Certificate of Occupancy.³⁴ Failure to comply can lead to revocation of title.³⁵
- **Adhere to Land Use:** Land must be used in accordance with the purpose or purposes specified in the grant. Deviating from the approved use, such as converting residential land to commercial use or purposes without obtaining the requisite approvals, constitutes a breach that may warrant revocation.
- **Develop the Land:** Land holders are usually required to develop lands that are granted to them within the timeframe stated in the Certificate of Occupancy. Where neglected, it may be regarded as a breach of the conditions for grant of the right of occupancy resulting in revocation.
- **Comply with Land Regulations:** Landholders are required to adhere to all relevant land regulations, as violations may result in penalties or revocation of land titles. For instance, where a title holder fails to pay ground rent due on a property or breaches some other covenant/term in the Certificate of Statutory Right of Occupancy, the holder's title can be revoked. It is therefore essential that every covenant for grant of title in land is kept by a grantee, especially the covenant to pay ground rent³⁶.

Where, however, a land holder genuinely feels that he has done his bit and has complied with his obligations under the law and the attempt to revoke his title is improper or not well founded, he can validly challenge the action of the Minister for being ultra vires. This is because the powers of the Minister being statutory, must be exercised within the four corners of the law and any deviation is liable to be disapproved by the court.³⁷

Conclusion

Just like the State Governor, the FCT Minister who exercises the executive authority of the President in the management, administration and control of lands within the FCT, is empowered not only to impose terms and conditions on the rights of occupancy granted to land holders, but the Minister also has the power to enforce such terms and conditions when they are not complied with. This is to discourage breaches and noncompliance. One of the lawful means by which such enforcement is done by the Minister is revocation of the land titles in permitted circumstances. In other words, the FCT Minister, like *the Governor*, possesses all the authority to revoke land titles within the FCT where, for example, the ground rent is unpaid by the land holder. The revocation must, however, adhere strictly to the procedure set out in the law, particularly service of the revocation notice, failing which the courts may nullify the revocation. Nonetheless, in cases where land holders strongly believe that an attempt to revoke their titles is contrary to law or due process, they could validly resist same through the courts.

To avoid the embarrassment that attend such revocation, land holders are enjoined to ensure that they proactively comply with the terms and conditions provided in the instrument of grant.

³⁴ Ibid, s. 10. This includes Certificate of Occupancy as well as Rights of Occupancy.

³⁵ Ibid, s. 28(5)(a).

³⁶ An application for review of amount payable as ground rent may also be made to the FCT Minister for review. The provisions of Section 17 and Section 19 (3) of the Land Use Act empowers the Minister to revise or reduce the rent payable.

³⁷ *Yahaya v. Madugugini & Anor* (2023) LPELR-61003 (CA).