



MI'ZAN CHAMBERS

(Conveyancing & Corporate Solicitors)

HEAD CHAMBERS
SF 38 SUITE 1 2ND FLOOR TURAKI ALI HOUSE
3 KANTA ROAD KADUNA
MOBILE NO. 08037869262; 07014269099
E-mail: yaqubalmuhamy18@gmail.com

LOKOJA CHAMBERS
BLOCK 7 PLOT NO. 6
BEHIND AIG ZONE 8 BARRACKS
OFF HASSAN USMAN KATSINA ROAD
LOKOJA KOGI STATE.

* Conveyancing
And property
Law Consultants.

* Corporate
Practice Consultants.

* Islamic
Law Consultants.

* Human Rights
Law Consultants.

* Alternative
Dispute
Resolution
Consultants.

* Military
Law Consultants.

* Legislative
And Legal
Drafting
Consultants.

* Criminal
Law And Practice
Consultants.

* Debt And Revenue
Recovery
Consultants.

MC/KDO/HC/0121/0332/19.

15th July, 2019

The Commissioner of Police
Kaduna State
C/o Kaduna State Police
Command Headquarters
Bida Road, Kaduna.



Dear Sir,

RE
COMPLAINT OF TRESPASS TO LAND, MISCHIEF, CRIMINAL
FORCE AGAINST ALHAJI ABDULMUMUNI NASIR THE
FORMER VILLAGE HEAD SOBAWA, IGABI L.G.A. KADUNA
STATE AND SOME UNKNOWN PERSONS.

We petition/complain to your office as the Retained Solicitors to Mohammed Umar Karage who is currently resident in the United States of America (hereinafter called "*our Client*") upon his further briefing and instructions that:-

1. The complainant on the 19th April, 2012 bought all that vast land measuring 10.69 situate at Dankande, Kaduna from the Late Alhaji Umaru Dikko after which he perfected his title document with the Kaduna State Government after complying with all the due process for same. For ease of reference find forwarded herewith the Hausa language Sales Agreement, its English version and the Certificate of Occupancy marked as "*KARAGE 1-3*" respectively;
2. When the Kaduna State Government purportedly revoked the said title document on the 9th April, 2018, the Complainant approached the High Court of Justice, Kaduna State for some redresses which included setting aside the said purported revocation. For ease of

IN CHAMBERS:-

Yakubu A. Abbas, Esq. LL.B (HONS) BL (Principal Legal Consultant)
John Sakanas Ninyio, Esq. LL.B (HONS) BL (Solicitor)
Hadiza Mohammed Abubakar, Esq. LL.B. (HONS) BL (Solicitor)
Ahmed Abubakar Abdulmalik, Esq. LL.B (HONS) BL (Solicitor)

reference find forwarded herewith also the revocation letter and the writ of summons both marked as "*KARAGE 4 & 5*" respectively;

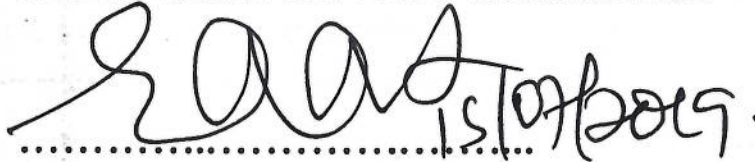
3. In the course of the proceedings in that suit, the Complainant as the Plaintiff in that matter which is SUIT NO. KDH/KAD/670/2018 first obtained interim orders against the Executive Governor of Kaduna State and the Kaduna Geographic Information Service as the Defendants therein after which the Honourable Trial Court made an order of interlocutory injunction restraining the said Defendants from going into the said land or disturbing our Client's peaceful enjoyment of same pending the hearing and determination of the suit. The two orders are further forwarded herewith as "*KARAGE 6 & 7*" respectively;
4. While the Defendants are ably being represented in the said court suit/proceedings till date, the 2nd Defendant on the 23rd August, 2018 wants to claim ignorance of the said court matter and did write to our Client which letter we promptly reacted to on the 3rd day of September, 2018. The said two correspondences are exhibited herewith too as "*KARAGE 8 & 9*" respectively;
5. Parties have since settled pleadings and pre-trial conference papers exchanged from both sides at which stage the Honourable Trial Judge was appointed into the election tribunal for Zamfara State arising from the last 2019 general elections. The said two processes by parties are "*KARAGE 10 & 11*" respectively;
6. Despite this unassailable position, the former Village Head of Sobawa Village in the Igabi Local Government Area of Kaduna State has trespassed into the said land since Thursday 11th July, 2019 criminally using force and committing mischief in the said land till now with some other unknown people claiming that it is the Kaduna State Government that has directed him to indulge into the said criminality and illegality in the circumstances despite the knowledge of the Defendants of the pendency of the said suit and the said clear interlocutory orders restraining the Defendants from further trespassing there into.
7. We are still constrained not to believe the said suspect's claims and especially running the name of Kaduna State Government hence

this our humble complaint because despite our presentation of the said orders to the Divisional Police Officer, Rigachikun, Kaduna to make the suspect and his accomplices refrain from the said illegality and criminality, they are still in the land till now that is why we are writing this complaint undeterred.

8. While still confident that your zero tolerance to criminality which has helped to sanitize Kogi State shall come to play here too, we pray sir that you use your good offices to cause a discreet investigation into this matter towards bringing those culpable to book.
9. Accept our high esteem always, please acknowledge receipt in the counterpart and God bless.

Yours faithfully,

PP: MESSRS MI'ZAN CHAMBERS



YAKUBU A. ABBAS, ESQ.

(Principal Legal Consultant)



Cc:

1. The Chief Judge
High Court of Justice Kaduna State
C/o High Court Complex
Bida Road, Kaduna.
2. The President
Federal Republic of Nigeria
C/o Aso Villa
Three Arms Zone
FCT, Abuja.
3. The Executive Governor
Kaduna State
C/o Kashim Ibrahim House
Kaduna.

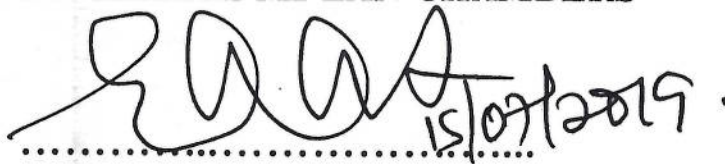
4. The Distinguished Senate President
National Assembly
Three Arms Zone
FCT, Abuja.
5. The Honourable Speaker
House of Representatives
National Assembly
Three Arms Zone
FCT, Abuja.
6. The Director
State Security Service
Kaduna State.
7. The Chairman
Human Rights Commission
Muhammadu Buhari Way
8. Our Client.

Your Excellency/Distinguished/Honourable/Sir/Ma,

Above for your official notice, actions, cautioning and/or of our strictest compliance with this separate instructions upon this matter so please, acknowledge receipt of this in the counterpart and God bless.

Yours faithfully,

PP: MESSRS MI'ZAN CHAMBERS



15/07/2019

YAKUBU A. ABBAS, ESQ.

(Principal Legal Consultant)

417A GE 14



KWARAU DISTRICT ADMINISTRATION OFFICE

IGABI LOCAL GOVERNMENT
KADUNA STATE

FORM NO. 0292

ADDRESS:
KWR/DHO
MARABAN JOS

FORM A

ADDRESS:
Old Jos Road,
Katabu

DATE: 19-04-2012

TAKARDAN YARJEJENIYAR SAIDA FLOT KO GIDA KO GONA KO SHAGO A GUNDUMAR KWARAU

- A. SUNAN MAI SAYARWA AN. UMARU BIKKO
 - B. ADDRESS: CORONATION CRESCENT LUGARD HALL KADUNA
 - C. SUNAN MAI SAYA MUHAMMAD UMAR KANGI
 - D. ADDRESS: M. B. G. GABASIMA ROAD UNGUWAN DOBA KADUNA
 - E. ABIN DA AKA SAYAR FILIN MAI HAKIA 10.69 HA
 - F. INDA WURIN YAKE SOBANA
 - G. SUNAN TITI _____
 - H. GARIN DA WURIN YAKE DAN KANGI
 - I. KUDIN DA AKA SAYAR MILLION (10,000,000)
 - J. RANAR DA AKAYI CINIKI 19 MAY - 2009
 - K. MAKOTA DA IYAKOKI _____
- 1. GABAS _____ TSAWO _____
 - 2. KUDU GBN - MUIH - SAVI SAMI TSAWO _____
 - 3. YAMMA LARIA ROAD TSAWO _____
 - 4. AREWA ESTAN BY PASS TSAWO _____

SHAIKUN MAI SAYARWA

- 1. AMINU DAKA, LI MUSA II SIGN [Signature] 2/5/12
- 2. _____ SIGN _____
- 3. _____ SIGN _____

SHAIKUN MAI SAYE:

- 1. MU, KRU ABULLAH HIMMA SIGN [Signature] 2/5/12
- 2. _____ SIGN _____
- 3. _____ SIGN _____

SA HANNUN MAI SAYARWA [Signature]

SA HANNUN MAI SAYE _____

IVUSA

SA HANNUN MAI ANGUWA

Kwarau District Admin Office
Igabi Local Government
19 APR 2012
[Signature]
SA HANNUN SARKI

SA HANNUN HAKIMIN GUNDUMAR

"ICARAGE 27"

KWARAU DISTRICT ADMINISTRATION OFFICE

IGABI LOCAL GOVERNMENT
KADUNA STATE

ADDRESS:
KWR/DHO
MARABAN JOS

FORM A

ADDRESS:
Old Jos Road
Kaduna

FORM NO. 0263

DATE: 19-04-2012

AGREEMENT PAPER FOR SALE OF PLOT, HOUSE, FARM OR SHOP AT KWARAU DISTRICT

- A. Seller's Name : Dr. Umar Dikko
- B. Address : No. 2 Coranation Crescent Lugard Hall
- C. Buyer's Name : Muhammad Umar Karage
- D. Address : M. B. Galadima Road Unguwan Dosa
- E. What is been sold : Piece of Land 10.69 Hectares
- F. Location of the Land : Sobawa
- G. Street Name :
- H. Town Location : Dan Kande
- I. Price : Ten Million Naira N10,000,000
- J. Date of Transaction : 19th May, 2009
- K. Neighbours & Boundaries :
 - 1. East Gen Ushishi Length
 - 2. South Eastern by Pass Length
 - 3. West Sintax Company Length
 - 4. North Sintax Company Length

SELLER'S WITNESS

1. AHMED BARDA'U MUSA II SIGN Signed 2/5/12

BUYER'S WITNESS

1. MU'AZU ABDULLAHI HIMMA SIGN Signed 2/5/12
108 Baba Marte Road

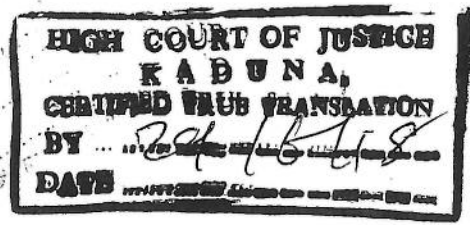
SELLER'S SIGNATURE SIGN Signed

BUYER'S SIGNATURE SIGN Signed

Signed WARD HEAD SIGNATURE Signed VILLAGE HEAD SIGNATURE

Stamped & Signed
DISTRICT HEAD SIGNATURE

Amok Y. Tuya
A. C. R. N.



Telegraphic address
SECLANDS KADUNA

"KARAGE 3"

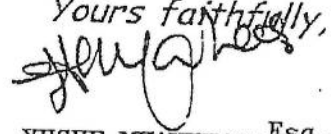
Ref. No. KDL/..... 86593/44
Ministry of Lands, Surveys
and Country Planning,
Governor's Office,
Kaduna State,
Private Mail Bag 2078,
Kaduna.
2nd Feb.,2013

Dear Sir/Gentlemen /Madam,

CERTIFICATE OF OCCUPANCY NO...... **KD.32930**

I am directed to forward herewith the above Certificate of Occupancy duly executed and registered as No. KDR 132 at Page 132 in Volume 157 (Certificates of Occupancy) of the State's Lands Registry Office, Kaduna.

2. Please acknowledge receipt.

Yours faithfully,


.....
YUSUF MUAWIYAH Esq.
.....
For: Honourable Commissioner

TO, **Alh. Muhammed Umar Karage,**.....
..... **No M.1B Galadima Road,**.....
..... **Ung. Dosa, Kaduna.**.....
.....
.....



KADUNA STATE OF NIGERIA
LAND USE ACT CAP 202

LAWS OF THE FEDERATION, 1990

CERTIFICATE OF STATUTORY RIGHT OF OCCUPANCY No. KD 32930
(Building Site)

THIS IS TO CERTIFY THAT ALHAJI MUHAMMED UMAR KARAGE,

of NO. M 1B, GALADIMA ROAD, U/DOSA, KADUNA,

KADUNA STATE OF NIGERIA.

Hereinafter referred to as the holder ~~holder~~ which term shall include any person defined as such in Section 5 of the Land Use Act 1992 entitled to a Right of Occupancy in and over the land described in the schedule and more particularly delineated in the plan No. OF O. KD. 32930 annexed hereto for a term of 40 years commencing from the 5th day of December, 2014 and expiring on the 4th day of December, 2053 according to the true intent

and meaning of the Land Use Act and the covenants and conditions implied by virtue of the said Act with the Regulations and any other Law for time being in force, and to the special conditions hereinafter contained:

1. To pay without demand to the Governor of Kaduna State of Nigeria (hereinafter called the Governor) or other person appointed by him):
 - (b) Ground rents at N 3,654,301.20K per annum; and
 - (c) Revised ground rents as at hereinafter provided.
2. Revision periods shall be at the discretion of the grantor.
3. In the case of undeveloped land the allottee should within three years from the date of commencement of the Right of Occupancy, erect and complete improvements to the value of not less than N.20M. (Twenty Million Naira Only.) to the satisfaction of and in accordance with the plans approved/to be approved by the Planning Authority.
 - (a) In the event of breach of this covenant the holder shall be liable to pay penal rent to be determined by the grantor
 - (b) The imposition of such penal rent shall however not preclude the grantor from revoking the holders title based on this breach.
4. To pay and discharge all development charges, rates, taxes, assessments and impositions whatsoever which shall at anytime be charge, assessed or imposed on the said land or part thereof or upon the occupier or occupier thereof.

SCHEDULE

All that piece of land consisting of 109644M2 and situated at Sobawa in Igabi Local Government Area, the corners of which are marked on the ground by property Beacons Nos. ZRE. 3855, ZRE. 3878, ZRE. 7877, ZRE. 3873, ZRE. 3867, ZRE. 3887, ZRE. 3857, ZRE. 3929, ZRE. 3930, ZRE. 3936, ZRE. 3924, ZRE. 3858, ZRE. 3941, ZRE. 3951, ZRE. 3937, ZRE. 3928, ZRE. 3845, ZRE. 3842, ZRE. 3844, ZRE. 3847 and ZRE. 3849 and the boundaries of which are delineated by a red verged line on the attached plan No. R. of O. KD. 32930 copied from an approved plan No. R. of O. KD. 32930 deposited in the Office of the Surveyor General, Ministry of Lands, Surveys and Country Planning, Kaduna South. The piece of land is more particularly described as a piece of land along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential layout, Kaduna, as shown on Topo sheet 123 South East.



KADGIS
KADUNA GEOGRAPHIC INFORMATION SERVICE



MOHAMMED UMAR KARAGE
NO. M. 1B GALADIMA ROAD
UNG.DOSA, KADUNA

Monday 9th April, 2018

**NOTICE OF REVOCATION OF STATUTORY RIGHT OF
OCCUPANCY NO.KD. 32930 OVER A PIECE OF LAND
MEASURING 102284.27M2 SITUATE AT SOBAWA MIXED
DENSITY RESIDENTIAL LAYOUT, ON TPO 975 KADUNA.**

KDL/86593/84

The above subject refers.

2. I am directed to in form you that KADGIS observed that you failed, refused and / or neglected to comply with the conditions of grant to wit: Non development of the said plot within two years.
3. Consequently, approval had been obtained to revoke your title No. KD.32930 over piece of land situate at Sobawa layout, Kaduna.
4. In light of the above, you are hereby notified that the said plot had thus been revoked in line with Section 28(5)(a) and (b) of the Land Use Act, 2004.

Yusuf Muawiyah
Deeds Registrar
For: Director-General
ymuawiyah@kadgis.org
+2348022326266



KADUNA STATE GOVERNMENT
KADUNA GEOGRAPHIC INFORMATION SERVICE
REVOCATION ORDER

File Number: KDL 86593


Date: 09-Apr-2018

Whereas by a Certificate of Occupancy number 43812-10251-n5941-10251-n5346-ru903, under the hand of the Governor of Kaduna State, Federal Republic of Nigeria, executed on 16-Jan-2017 and registered as No 65 at Page 1 in Volume 2 of the Digital Register in the KADGIS Registry office of Kaduna State, it was certified that MOHAMMED UMAR KARAGE whose address is 1B, GALADIMA ROAD, UNGWAN DOSA, KAWO, KADUNA was/were entitled to a Right of Occupancy over the land at A PIECE OF LAND ALONG KADUNA ZARIA EXPRESS WAY, ON TPO 975 SOBAWA MIXED DENSITY RESIDENTIAL LAYOUT of Kaduna State and more particularly described in the schedule to the said Certificate of Occupancy.


It has become necessary that the certificate of occupancy be revoked due to: **Non development**

NOW THEREFORE, in exercise of the powers conferred upon me by the Land Use Act, CAP L5 Laws of the Federation Nigeria 2004, I hereby revoke with effect from the 6th day of April 2018.

The Right of Occupancy over the afro-mentioned plot.


Nasir Ahmad El-Rufai
Governor, Kaduna State of Nigeria

This instrument is registered as No.65 at Page 2 in Volume 2 of the Certificate of Occupancy Digital Register in the KADGIS Registry Office of Kaduna State at ten o'clock in the morning of this 14th day of May, 2018


Deed Registrar



"KARAGE S"

WRIT OF SUMMONS
(0.3 R. 1)

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/67/2018.

BETWEEN:-

MOHAMMED UMAR KARAGE).....PLAINTIFF

AND

- 1. THE GOVERNOR KADUNA STATE
 - 2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS)
- }.....DEFENDANTS

TO:

- 1. THE 1ST DEFENDANT
C/o SIR KASHIM IBRAHIM HOUSE
GOVERNMENT HOUSE, KADUNA
- 2. THE 2ND DEFENDANT
C/o KADUNA GEOGRAPHIC
INFORMATION SERVICE (KADGIS)
ALI AKILU ROAD, KADUNA.

You are hereby commanded that within twenty-one days after the service of this Writ on you inclusive of the day of such service, you do cause an Appearance to be entered for you in an action at the suit of **MOHAMMED UMAR KARAGE** the Plaintiff. And take notice that in default of your so doing, the Plaintiff may proceed therein and Judgment may be given in your absence.

DATED IN KADUNA THIS 04th DAY OF July, 2018.

By Order of the Court



MEMORANDUM TO BE SUBSCRIBED ON THE WRIT:-

N.B. This writ is to be served within three calendar months from the Date thereof, or if renewed, within three calendar months from the Date of the last renewal, including the day of such date and not afterwards.

The Defendants may enter appearance personally or by legal Practitioner either by handing in the appropriate forms duly completed, at the Registry of the High Court of the High Court of the Judicial Division in which the action is brought or by sending them to the registry by Registered post.

ENDORSEMENT TO BE MADE ON THE WRIT BEFORE ISSUE THEREOF:-

The Plaintiff's claims against the Defendants are for:-

1. A DECLARATION that the Plaintiff is the Legal Title Holder and entitled to the exclusive possession, enjoyment, right and interest over all that land being known as all that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, Kaduna in the Igabi Local Government Area of Kaduna State covered by Kaduna State Certificate of Occupancy No. KD 32930 and registered as No. 132 at page 132 in Volume 157 in the office of the Kaduna State Deeds Registrar the corners of which are marked on the ground by Beacons Nos. ZRE. 3855 ZRE. 3878 ZRE. 7877 ZRE. 3873 ZRE. 3867 ZRE. 3887 ZRE. ZRE. 3857 ZRE. 3929 ZRE. 3930 ZRE. 3936 ZRE. 3924 ZRE. 3858 ZRE. 3941 ZRE. ZRE. 3951 ZRE. 3937 ZRE. 3928 ZRE. 3845 ZRE. 3842 ZRE. 3844 ZRE. 3847 and 3849.
2. A DECLARATION that the disturbance, attempt to take over, interference, threat to the interest, right or title of the Plaintiff in the said plot/land vide the purported revocation, alienation and/or taking over of the said land by the Defendants on the 9th day of April, 2018 without due process and for no justifiable reason(s) is not only tantamount to mischief, abuse of office, trespass, unlawful, illegal, null and void abinitio and unconstitutional but also of no effect howsoever and/or in whatsoever manner.
3. AN ORDER of this Honourable Court setting aside the purported and illegal revocation, alienation, attempt to take over of the said land done by the Defendants without due process for same being mischievous, unlawful, illegal, unconstitutional, null and void abinitio.
4. *AN ORDER* of perpetual and prohibitive injunction restraining the Defendants, their Tenants, Agents, Servants, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and/or in whatsoever manner from further revoking, committing mischief, alienating, claiming, trespassing into or doing anything that could undermine or prejudice the exclusive possession or use of the said vast land by the Plaintiff.
5. *AN ORDER* of this Honourable Court ejecting and/or evicting the Defendant, their Tenants, Agents, Servants, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and/or in whatsoever manner from further revoking the Plaintiff's title documents or right of occupancy over the said land or alienating, claiming, trespassing into or doing anything that could undermine or prejudice the exclusive possession or use of the said land by the Plaintiff.
6. ₦5,000,000= (Five Million Naira Only) as damages for the said trespass.
7. Cost of this suit.
8. AND for such other or further order (s) as this Honourable court may deem fit just and proper to make in the circumstances of this suit.

YAKUBU A. ABBAS 29/4/2018

This writ was issued by **YAKUBU A. ABBAS, ESQ.** whose address for service is Messrs Mi'zan Chambers of SF 38, Suite 1, 2nd Floor, Turaki Ali House, 3, Kanta Road, Kaduna. Legal Practitioners for the Plaintiff whose registered office is situate in Kaduna.

ENDORSEMENT TO BE MADE ON COPY OF WRIT FORTHWITH AFTER SERVICE:-

This writ was served by me.....at.....

On the Defendant (here insert mode of service).....

On the.....day of....., 2018

Endorsed the.....day of....., 2018

(SIGNED).....

(ADDRESS).....

.....
.....

"KARAGE 6"

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE OF NIGERIA
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO: KDH/KAD/670/2018

BETWEEN:
MOHAMMED UMAR KARAGE
AND

PLAINTIFF/APPLICANT

- 1. THE EXECUTIVE GOVERNOR
OF KADUNA STATE
- 2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE
(KADGIS)

DEFENDANT/RESPONDENT

COURT ORDER

Upon a motion Ex-parte dated 29th day of June, 2018 brought pursuant to Order 15 Rule 1 and Order 36 Rule 1 of the Kaduna State High Court (Civil Procedure) Rules and the inherent powers and jurisdiction of this Hon. Court praying for the following Orders:

- 1. **AN ORDER** of interim and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from further revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever and or in whatsoever manner deal with the said Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the hearing and determination of the Motion on Notice dated the 29th day of June, 2018.

HIGH COURT OF JUSTICE
KADUNA
CERTIFIED TRUE COPY
DATE 05/07/2018

ALYU JABARA ACRII
Ali

2. **AN ORDER** of interim and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from entering or interfering with the Plaintiff's peaceful possession and enjoyment of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, Sobawa Kaduna in the Igabi Local Government Area of Kaduna State covered by Kaduna State Certificate of Occupancy No. KD 32930 pending the hearing and determination of the Motion on Notice dated the 29th day of June, 2018.

3. **And such further Order** or Order(s) as this Hon. Court may deem fit to make in the circumstances.

Which came up for hearing on the 4th day of July, 2018 before the **Hon. Justice B.F. Zubairu -Judge.**

Upon hearing M
K.J. Aring Esq. with Nafisa Mohammed Esq.
Counsel to the Plaintiff/Applicant moving his
application of 31 paragraphs Affidavit and
written address in support of the application.



IT IS HEREBY ORDERED AS FOLLOWS:

1. **AN ORDER** of interim injunction is hereby made restraining the Defendants and or their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other

HIGH COURT OF JUSTICE
ZARIA
CERTIFIED TRUE COPY
DATE 05/07/2018
ALU
ACK IS

person claiming through the Defendants howsoever and or in whatever manner from revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever in whatsoever manner dealing with Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the hearing and determination of the Motion on Notice.

2. **AN ORDER** of interim injunction is hereby made restraining the Defendants and or their Tenants, Agents etc. or whosoever from entering and interfering with the Plaintiff's peaceful possession and enjoyment of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, Sobawa Kaduna in Igabi Local Government Area of Kaduna State covered by Certificate of Occupancy mentioned in (1) above pending the hearing and determination of the Motion on Notice.

Case is adjourned to 18th July, 2018 for Hearing of the Motion on Notice.

Dated this ^{05th}.....day of July..... 2018

HIGH COURT OF JUSTICE
ZARIA
CERTIFIED TRUE COPY
DATE 05/07/2018

ALIYU YAKUBA ACR II
Xli



IN THE HIGH COURT OF JUSTICE OF KADUNA STATE OF NIGERIA

IN THE KADUNA JUDICIAL DIVISION

HOLDEN AT KADUNA

// SUIT NO: KDH/KAD/670/2018

BETWEEN:

MOHAMMED UMAR KARAGE

PLAINTIFF/APPLICANT

AND

- 1. THE EXEC. GOVR. OF KADUNA STATE**
- 2. KADUNA STATE GEOGRAPHI
INFORMATION SERVICE (KADGIS)**

DEFENDANT/RESPONDENTS

COURT ORDER

Upon a motion on Notice dated 29th day of June, 2018 brought pursuant to Order 15 Rules 1 of the High Court (Civil Procedure) Rules 2007 and Order 36 Rule 1, of the Kaduna High Court (Civil Procedure) Rules 2007 and under the inherent powers jurisdiction of this Hon. Court Praying for the following Orders:

- 1. AN ORDER** of interlocutory and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from further revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever and or in whatsoever manner deal with the said Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the determination of the substantive suit by this Hon. Court.
- 2. AN ORDER** of interlocutory and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from entering or interfering with the Plaintiff's peaceful possession and enjoyment

of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, SSobawa Kaduna in the Igabi Local Government Area of Kaduna State covered by Kaduna State Certificate of Occupancy No. KD 32930 pending the determination of the substantive suit by this Hon. Court.

3. **And for such** further order(s) as this Honorable Court may deem fit to make in the circumstances.

Which came up for hearing on the 2nd day of October, 2018 before the **Hon. Justice B.F. Zubairu -Judge.**

Upon hearing Y.A Abbass Esq. Counsel to the Plaintiff/Applicant moving his application of 31 paragraphs Affidavit and written address in support of the application.


HON. JUSTICE B.F. ZUBAIRU
JUDGE

IT IS HEREBY ORDERED AS FOLLOWS:

1. **AN ORDER** of interlocutory and prohibitive injunction is hereby made restraining the Defendants their Tenants, Agents, Servant, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from further revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever and or in whatsoever manner deal with the said Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the hearing and determination of the substantive suit by this Hon. Court.
2. **AN ORDER** of interlocutory and prohibitive injunction is hereby made restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from entering or interfering with the Plaintiff's peaceful possession and enjoyment of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa

Mixed Density Residential Layout, Sobawa
Kaduna in the Igabi Local Government Area of
Kaduna State covered by Kaduna State
Certificate of Occupancy No. KD 32930
pending the hearing and determination of the
substantive suit by this Hon. Court.

Case is adjourned to 5th November, 2018 for PTC.

Dated this 17 day of October, 2018



"KARAGE 84"



GOVERNOR'S OFFICE
KADUNA STATE

23rd August, 2018

KADGIS SENT
2018 AUG 24 10:56:54

KDL/ 86593/127

Mohammed Umar Karage,
No. 1MB Galadima Road,
Unguwar Dosa,
Kaduna.

"WITHOUT PREJUDICE"

**RE: COMPLAINT REGARDING DEVELOPMENT PERMIT AND
REVOCATION NOTICE ON MY PLOT WITH C-OF-O NO. KD.32930 AT
SOBAWA INDUSTRIAL LAYOUT.**

Reference to your letter on the above subject matter, dated 10th May, 2018, which was forwarded to KADGIS under a letter No. **GH/KD/S/81/S.1** dated 24th May, 2018 from the office of His Excellency, the Governor, I am directed inform you as follows:

- a) The land in question is within the Industrial Portion of the Sobawa Layout, TPO. 975, Kaduna which is within the Eastern Sector Declared Planning Area that was duly gazetted in 1994;
- b) Pursuant to your application for grant of Statutory Right of Occupancy over a piece of land measuring 10.964 which you purchased from Late Umaru Dikko in 2009, it was discovered that the land was already acquired by the Kaduna State Government and compensation duly paid in the **sum of ₦ 556,150:00** (Five Hundred and Fifty-Six Thousand, One Hundred and Fifty Naira) only to Late Umaru Dikko, through his personal representative in 2006;

- c) The then Ministry also discovered that there is an overlap between the area being claimed by you and a finalised Title Deed Prints embodied in Certificate of Occupancy granted to Alhaji Nagoggo Mamman (Shema Petroleum). Upon this discovery, your attention was drawn and the Ministry offered to provide you with an equivalent of the overlapped portion by extending your sketch in Government land towards the North Eastern extreme of your claim, an offer which you vehemently rejected;
 - d) It was also noted that the proposed Eastern Bye-Pass Road had traversed Late Umaru Dikko's farmland with about 1 Hectare, which was duly acquired and compensated by the Federal Government;
 - e) You may further recall that you were allocated a piece of land measuring 10.964 Hectares within the Sobawa Mixed Density Residential Layout, TPO 975, Kaduna via an offer of grant of statutory Right of Occupancy dated 5th January, 2015 and Certificate of Occupancy No. KD.32930 duly executed, registered and issued to you on 2nd February, 2015 in evidence of the grant. It was however noted that the Title Deed Prints had encroached into many other plots as indicated in the attached orthophoto (area marked Green). This was reported to the Council's Committee on Sobawa Layout, which directed KADGIS to correct the errors ;
 - f) As a result of the above and coupled with your refusal, neglect or failure to effect any meaningful development on the site, it became expedient that your title to the said plot is revoked.
2. It is pertinent for you to note the following:
- i) That the transaction between yourself and Late Umaru Dikko was null and void ab- initio, for the fact that the gazette which declared the area as a "Planning Area" prohibited any transaction or development, whether compensation was paid or not . Besides, the subject area had

been acquired and compensation duly paid to Late Umaru Dikko's representative.

- ii) There were errors in the Title Deed Prints embodied in the Certificate of Occupancy issued to you, which the Council Committee on Sobawa Layout directed KADGIS to correct. This exercise will certainly affect the title being held by you.
 - iii) You had also contravened Clause 3 of the terms of the Certificate of Occupancy, which stipulated that you must, within 3 Years from the commencement of the Right of Occupancy (5th December, 2014), erect and complete development on the site.
3. In the light of the foregoing, I am further directed to inform you that His Excellency, the Governor had approved the following:
- a) That the revocation of Right of Occupancy No. KD. 32930 on the above stated grounds be upheld; and
 - b) Kaduna State Government to allocate an alternative Industrial Plot to You on the condition that you must commence development within six (6) months.
4. Accept the KADGIS esteem regards, please.



Yusuf Muawiyah, Esq

For: Director-General(KADGIS)



MI'ZAN CHAMBERS
(Conveyancing & Corporate Solicitors)

HEAD CHAMBERS
SF 38 SUITE 1 2ND FLOOR TURAKI ALI HOUSE
3 KANTA ROAD KADUNA
MOBILE NO. 08037869262; 07014269099
E-mail: yaqubalmuhamy18@gmail.com

LOKOJA CHAMBERS
BLOCK 7 PLOT NO. 6
BEHIND AIG ZONE 8 BARRACKS
OFF HASSAN USMANI KATSINA ROAD
LOKOJA KOGI STATE

"KARAGE 9"

KADGIS RECEIVED
03 SEP 09 16:04:28

- * Conveyancing And property Law Consultants.
- * Corporate Practice Consultants.
- * Islamic Law Consultants.
- * Human Rights Law Consultants.
- * Alternative Dispute Resolution Consultants.
- * Military Law Consultants.
- * Legislative And Legal Drafting Consultants.
- * Criminal Law And Practice Consultants.
- * Debt And Revenue Recovery Consultants.

MC/KDO/HC/0121/033/18

3rd September, 2018

The Director General
Kaduna Geographic Information Service
(KADGIS Governor's Office)
31 Ali Akilu Road
Kaduna.



Attn: Yusuf Muawiyah, Esq.

Sir,

RE:
"WITHOUT PREJUDICE"

RE: COMPLAINT REGARDING DEVELOPMENT PERMIT AND REVOCATION NOTICE ON MY PLOT WITH C-OF-O NO. 32930 AT SOBABA INDUSTRIA LAYOUT; REMINDER OF THE DOCTRINE OF LIS PENDENTE.

We are constrained to react to yours of the 23rd day of August, 2018 as against our earlier position and advise to our Client to ignore same still as Solicitors to Mohammed Umar Karage of No. 1MB Galadima Road Unguwar Dosa Kaduna (hereinafter called "*our Client*") upon his further briefing and instructions after coming to be in the know of your said letter thus:-

1. It is very unfortunate that after being duly served with our Client's originating and ancillary processes of the Kaduna State High Court of Justice vide SUIT NO. KDH/KAD/670/2018 since the 5th and 6th July, 2018 together with the 1st Defendant and your Solicitors have filed processes against our interlocutory process dated the 29th day of June, 2018, you are still undersigning such write up to us and thus dissipating a fruitless energy over what you know can never fly the statutory time within which you could react to our pre-action notice having lapsed too;
2. Sir, you know that the said Honourable High Court of Justice has granted an order against the two Defendants in the said suit since the 4th day of July, 2018 including your agency and the application for interlocutory injunction adjourned from 18th July, 2018 to 2nd October, 2018. The two

IN CHAMBERS:-

Yakubu A. Abbas, Esq. LL.B (HONS) BL (Principal Legal Consultant)
John Sakanas Ninyio, Esq. LL.B (HONS) BL (Solicitor)
Hadiza Mohammed Abubakar, Esq. LL.B. (HONS) BL (Solicitor)
Ahmed Abubakar Abdulmalik, Esq. LL.B (HONS) BL (Solicitor)

Rel by Hassan M. Idris
Hassan M. Idris
11/9/18

processes referred to hereinbefore for ease of reference together with the originating process in that suit without the ancillary processes are all forwarded herewith and respectively marked as "**KADGIS 1-3**" respectively.

3. We are however obliged to let you know that as against your singular point of the purported revocation which is being contested in court, your inclusion and/or introduction of the other alleged issues some of which are earlier long ago before the same High Court of Justice is not only an afterthought but another deliberate error against the much settled doctrine of LIS PENDENTE and a contemptuous attempt to adjudge the two cases in court when you never sought for or obliged any leave(s) by the Honourable Court to settle the two cases out of out;
4. Please spare us of this kind of avoidable and unnecessary distractions as you know where to channel to and canvass such points so that we can properly react to them also if not belated so till we meet in the courts over the two cases which you are deliberately trying to undermine, we wish you God's guidance always and accept our humility and high esteem always and God bless.

Yours Faithfully,

PP: MESSRS MI'ZAN CHAMBERS



.....
YAKUBU A. ABBAS, ESQ.

(Principal Legal Consultant)



Cc:

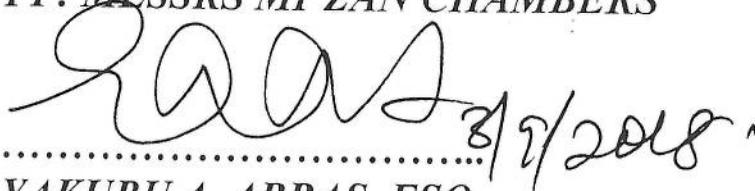
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|--|--|
| (1) M.D. Joseph, Esq.; S.I Madaki, Esq.
Solicitors to KADGIS
Ministry of Justice, State Secretariat
Kaduna, Kaduna State. | (2) The Registrar
High Court of Justice
(Court 9)
Muhammadu Buhari Way
Atiku Abubakar House
Kaduna. |
|--|--|

Dear Sir/Ma,

Above for your official notice and/or proper counsel please. Accept our courtesy and candor always and God bless.

Yours Faithfully,

PP: MESSRS MI'ZAN CHAMBERS



.....
YAKUBU A. ABBAS, ESQ.

(Principal Legal Consultant)

"KADGIS 1"

WRIT OF SUMMONS
(O.3 R. 1)

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/67/2018.

BETWEEN:-

MOHAMMED UMAR KARAGE).....PLAINTIFF

AND

- 1. THE GOVERNOR KADUNA STATE
 - 2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS)
- }.....DEFENDANTS

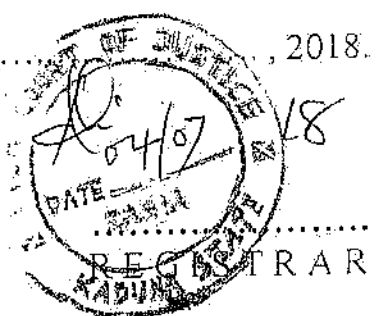
TO:

- 1. THE 1ST DEFENDANT
C/o SIR KASHIM IBRAHIM HOUSE
GOVERNMENT HOUSE, KADUNA
- 2. THE 2ND DEFENDANT
C/o KADUNA GEOGRAPHIC
INFORMATION SERVICE (KADGIS)
ALI AKILU ROAD, KADUNA.

You are hereby commanded that within twenty-one days after the service of this Writ on you inclusive of the day of such service, you do cause an Appearance to be entered for you in an action at the suit of **MOHAMMED UMAR KARAGE** the Plaintiff. And take notice that in default of your so doing, the Plaintiff may proceed therein and Judgment may be given in your absence.

DATED IN KADUNA THIS 04th DAY OF July, 2018.

By Order of the Court



MEMORANDUM TO BE SUBSCRIBED ON THE WRIT:-

N.B. This writ is to be served within three calendar months from the Date thereof, or if renewed, within three calendar months from the Date of the last renewal, including the day of such date and not afterwards.

The Defendants may enter appearance personally or by legal Practitioner either by handing in the appropriate forms duly completed, at the Registry of the High Court of the High Court of the Judicial Division in which the action is brought or by sending them to the registry by Registered post.

ENDORSEMENT TO BE MADE ON THE WRIT BEFORE ISSUE THEREOF:-

The Plaintiff's claims against the Defendants are for:-

1. A DECLARATION that the Plaintiff is the Legal Title Holder and entitled to the exclusive possession, enjoyment, right and interest over all that land being known as a that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPC 975 Sobawa Mixed Density Residential Layout, Kaduna in the Igabi Local Government Area of Kaduna State covered by Kaduna State Certificate of Occupancy No. KD 32931 and registered as No. 132 at page 132 in Volume 157 in the office of the Kaduna State Deeds Registrar the corners of which are marked on the ground by Beacons Nos. ZRE 3855 ZRE. 3878 ZRE. 7877 ZRE. 3873 ZRE. 3867 ZRE. 3887 ZRE. ZRE. 3857 ZRE 3929 ZRE. 3930 ZRE. 3936 ZRE. 3924 ZRE. 3858 ZRE. 3941 ZRE. ZRE. 3951 ZRE 3937 ZRE. 3928 ZRE. 3845 ZRE. 3842 ZRE. 3844 ZRE. 3847 and 3849.
2. A DECLARATION that the disturbance, attempt to take over, interference, threat to the interest, right or title of the Plaintiff in the said plot/land vide the purported revocation, alienation and/or taking over of the said land by the Defendants on the 9th day of April, 2018 without due process and for no justifiable reason(s) is not only tantamount to mischief, abuse of office, trespass, unlawful, illegal, null and void abinitio and unconstitutional but also of no effect howsoever and/or in whatsoever manner.
3. AN ORDER of this Honourable Court setting aside the purported and illegal revocation, alienation, attempt to take over of the said land done by the Defendants without due process for same being mischievous, unlawful, illegal, unconstitutional, null and void abinitio.
4. **AN ORDER** of perpetual and prohibitive injunction restraining the Defendants, their Tenants, Agents, Servants, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and/or in whatsoever manner from further revoking, committing mischief, alienating, claiming, trespassing into or doing anything that could undermine or prejudice the exclusive possession or use of the said vast land by the Plaintiff.
5. **AN ORDER** of this Honourable Court ejecting and/or evicting the Defendant, their Tenants, Agents, Servants, Privies, Proxies, Successors in Title, Attorneys, Administrators, Allotees or any other person claiming through the Defendants howsoever and/or in whatsoever manner from further revoking the Plaintiff's title documents or right of occupancy over the said land or alienating, claiming, trespassing into or doing anything that could undermine or prejudice the exclusive possession or use of the said land by the Plaintiff.
6. ₦5,000,000= (Five Million Naira Only) as damages for the said trespass.
7. Cost of this suit.
8. AND for such other or further order (s) as this Honourable court may deem fit just and proper to make in the circumstances of this suit.

29/11/2018

This writ was issued by **YAKUBU A. ABBAS, ESQ.** whose address for service is Messrs Mi'zan Chambers of SF 38, Suite 1, 2nd Floor, Turaki Ali House, 3, Kanta Road, Kaduna. Legal Practitioners for the Plaintiff whose registered office is situate in Kaduna.

ENDORSEMENT TO BE MADE ON COPY OF WRIT FORTHWITH AFTER SERVICE:-

This writ was served by me..... at.....

On the Defendant (here insert mode of service).....

On the..... day of....., 2018

Endorsed the..... day of....., 2018

(SIGNED).....

(ADDRESS).....

.....
.....

"KADUNA 2"

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE OF NIGERIA
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO: KDH/KAD/670/2018

BETWEEN:
MOHAMMED UMAR KARAGE

AND

PLAINTIFF/APPLICANT

- 1. THE EXECUTIVE GOVERNOR**
OF KADUNA STATE
- 2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE**
(KADGIS)

DEFENDANT/RESPONDENT

COURT ORDER

Upon a motion Ex-parte dated 29th day of June, 2018 brought pursuant to Order 15 Rule 1 and Order 36 Rule 1 of the Kaduna State High Court (Civil Procedure) Rules and the inherent powers and jurisdiction of this Hon. Court praying for the following Orders:

- 1. AN ORDER** of interim and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from further revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever and or in whatsoever manner deal with the said Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the hearing and determination of the Motion on Notice dated the 29th day of June, 2018.

HIGH COURT OF JUSTICE
ZARIA
CERTIFIED TRUE COPY
DATE 05/07/2018

ALIYU JAGGA A. ACRII
Ali

2. **AN ORDER** of interim and prohibitive injunction restraining the Defendants their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other person claiming through the Defendants howsoever and or in whatsoever manner from entering or interfering with the Plaintiff's peaceful possession and enjoyment of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, Sobawa Kaduna in the Igabi Local Government Area of Kaduna State covered by Kaduna State Certificate of Occupancy No. KD 32930 pending the hearing and determination of the Motion on Notice dated the 29th day of June, 2018.

3. **And such further Order** or Order(s) as this Hon. Court may deem fit to make in the circumstances.

Which came up for hearing on the 4th day of July, 2018 before the **Hon. Justice B.F. Zubairu -Judge.**

Upon hearing M

K.J. Aring Esq. with Nafisa Mohammed Esq. Counsel to the Plaintiff/Applicant moving his application of 31 paragraphs Affidavit and written address in support of the application.



IT IS HEREBY ORDERED AS FOLLOWS:

1. **AN ORDER** of interim injunction is hereby made restraining the Defendants and or their Tenants, Agents, Servant, Privies, Successors in title, Attorneys, administrators, Allotees or any other

HIGH COURT OF JUSTICE
ZARIA
CERTIFIED TRUE COPY
DATE 05/07/2018
ALU... Ali

person claiming through the Defendants howsoever and or in whatever manner from revoking the Certificate of Occupancy No. KD. 32930 or in any manner whatsoever, howsoever in whatsoever manner dealing with Certificate of Occupancy in a way prejudicial to the right and grant conferred by the Certificate of Occupancy No. KD. 32930 pending the hearing and determination of the Motion on Notice.

2. **AN ORDER** of interim injunction is hereby made restraining the Defendants and or their Tenants, Agents etc. or whosoever from entering and interfering with the Plaintiff's peaceful possession and enjoyment of that piece of land measuring 109644M² along Kaduna-Zaria Express Bye-Pass on TPO. 975 Sobawa Mixed Density Residential Layout, Sobawa Kaduna in Igabi Local Government Area of Kaduna State covered by Certificate of Occupancy mentioned in (1) above pending the hearing and determination of the Motion on Notice.

Case is adjourned to 18th July, 2018 for Hearing of the Motion on Notice.

Dated this ⁰⁵.....day of ^{July}..... 2018.

HIGH COURT OF JUSTICE
KADUNA STATE
CERTIFIED TRUE COPY
DATE 05/07/2018

ALIYU NABAYYA ACRII
Ali



FOR SERVICE "KADGIS 3"

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/670/10

BETWEEN

MOHAMMED UMAR KARAGE PLAINTIFF/APPLICANT

AND

1. THE EXECUTIVE GOVERNOR KADUNA STATE
2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS)..DEFENDANT/RESPONDENT

RESPONDENTS' WRITTEN ADDRESS IN OPPOSITION TO
MOTION DATED 29TH JUNE 2018

INTRODUCTION

The Applicant by the instant application is praying this Honourable Court for an interlocutory injunction against the Defendants, their privies, proxies, successors in title and attorneys from further revoking the Certificate of Occupancy No. KD. 32930, and from entering and interfering with Plaintiff's peaceful enjoyment.

Said application is supported by a 31 paragraphed affidavit with several exhibits in support of his application.

ISSUES FOR DETERMINATION

The Respondents adopt the Applicants issue for determination, to wit;
Whether the Applicant is entitled to the relief sought in this application.

ARGUMENTS

The Respondent shall argue this issue in 2 folds i.e.



1. Whether the Applicant has a proprietary right in the *res* to protect against the Defendants in view of the fact that the revocation of title is *fiat accompli*. In the matter of **Sheriff & Anor. V. P.D.P & Ors. (2017) LPELR- 41805 (CA)** Black's Law Dictionary, 9th edition, 2011 definition of the term *fiat accompli* was upheld by the Court of Appeal, to mean a deed accomplished that is an accomplished fact something that has already accrued accomplished and irreversible, something that has been done and cannot be changed presumably.

In our instant case, the act of revoking said title is done, there is nothing further to be done in revoking a title, thus rendering the Applicant without a right to protect as per the pre-condition of the grant of interlocutory injunction. See **Soyanwo v. Akinyemi (2001) 8 NWLR (Pt. 714) 95 at 124, paras C-E**

It is a further condition for the grant of an interlocutory injunction that Applicant has real possibility of success at trial. All certificates of occupancy are issued with the caveat that said land **Shall** be developed within 2 years of the grant, Applicant failed to abide by the agreement and the consequence of such failure is a revocation. It is our humble view on this note that Applicant has close to no possibility of success at trial.

2. Whether there is a competent Application before this court to warrant the exercise of the Court's discretion in his favour.

Section 115 of the Evidence Act 2011, provides for the content of an affidavit to wit facts within the personal knowledge of the deponent or if told by another the circumstances through which he derived such information sub section (2) of the Act prohibits all extraneous matters such as objection, prayer, legal argument or conclusion. Paragraphs **23, 28, and 29** are in contravention of this section as they are conclusions and argumentative. The Supreme Court in **Emeka v. Chuba-Ikpeazu & Ors. (2017) LPELR – 41920 (SC)** per Peter Odili, JSC held while referring to its earlier decision in **A.G Adamawa State v. A.G Federation (2005) 18 NMLR (Pt. 958) 1 at 657**, that where depositions in an affidavit offend the provisions of the Evidence Act, the offending paragraphs of such an affidavit must be struck out.

Further, Section 115 (3) of the Evidence Act 2011, provides that where one deposes to belief in any matter and his belief is derived from any source other than his own personal knowledge, he shall set forth explicitly the facts and circumstances forming the ground of his belief. Paragraphs 17, 18 and 26 of Applicants affidavit is in outright contravention of the provisions of the Evidence Act, and we submit that the principle laid down in **Emeka v. Chuba-Ikpeazu (supra)** be applied here.

It is further argued that Applicant has failed to meet the conditions as set out in the cited case of **Susan Ayo Arubi v. Alfred Oni Ewore**, in that his affidavit did not state out the facts constituting the violation of such right or the threatened violation of such right, a statement as to damage or loss, if any, which may have arisen from such violation and which may show that it is sufficiently serious to justify the application for injunction, a statement as to what the defendant intends or threatens to do unless restrained by the court.

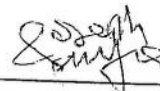
CONCLUSION

Respondents are of the holding that there is nothing warranting this Honourable Court to grant an interlocutory injunction against them, as the revocation is an already completed act, thus the Applicant is without a right. Assuming without conceding that perhaps there is a right to be protected, there is no competent application to move the court as the affidavit upon which an application stands is dead and carries no life in it.

We most humbly urge that this Application be dismissed.

Dated this.....^{18th}.....Day of.....^{July}..... 2018




M. D. JOSEPH ESQ ✓
S. J. MADAKI ESQ
For the Respondents.
Ministry of Justice,
State Secretariat.

FOR SERVICE ON

The Applicant
c/o his counsel,
Messrs Mi,Zan Chambers,
SF 38, suite 1, 2nd floor,
Turaki Ali House,
3, kanta road,
Kaduna.

Independence way,
Kaduna

"KARAGE 10"

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/670/2018

BETWEEN:-

MOHAMMED UMAR KARAGE).....PLAINTIFF
AND
1. THE GOVERNOR KADUNA STATE }
2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS) }.....DEFENDANTS

TAKE NOTICE that you are required to attend the Court at the High Court of Kaduna State at the Kaduna Judicial Division, on the.....day of....., 2018 at 9 O'clock in forenoon, for a pre-trial conference for the purposes set out hereunder.

- 1 (a) Disposal of non-contentions matters that must or can be dealt with on interlocutory application.
- (b) Giving such directions as the future course of the action as appear best adopted to secure its just expeditious and economical disposal.
- (c) Promoting amicable settlement of the case or adoption of alternative dispute resolution.
- 2. Please answer the question in the attached pre-trial information sheet (form 17) on a separate sheet and submit 7 clear days before the above-mentioned date.

TAKE NOTICE that if you do not attend in person or by Legal Practitioner at the time and place mentioned such proceeding will be taken and such order will be made as the judge may deem just and expedient.

DATED THIS.....⁰⁵..... DAY OF.....^{November}....., 2018.



.....
REGISTRAR
HIGH COURT OF JUSTICE
COURT 9, KADUNA.



FOR SERVICE AND/OR ON NOTICE TO:
THE DEFENDANTS
C/o THEIR SOLICITORS
M.D. JOSEPH, ESQ. D.J. MADAKI, ESQ.
MINISTRY OF JUSTICE STATE SECRETARIAT
INDEPENDENCE WAY KADUNA
TEL: 08036039051.

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/670/2018.

BETWEEN:-

MOHAMMED UMAR KARAGE)PLAINTIFF
AND		
1. THE GOVERNOR KADUNA STATE	}DEFENDANTS
2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS)		

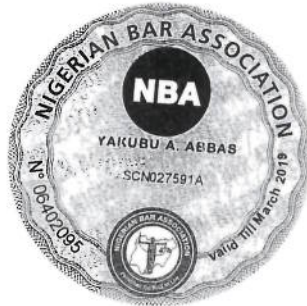
THIS PRE-TRIAL INFORMATION SHEET is intended to include *reference* to all applications, which the parties would wish to make at the pre-trial conference. Application not covered by the Standard question raised in this Pre-Trial Information sheet should be entered under item 12 below.

All parties shall not later than 7 days before the first Pre-Trial conference file and serve on all parties.

- (a) All application in respect of matters to be dealt with before trial including but not limited to the matters listed hereunder.
- (b) Written answer to the question contained in this pre-trial information sheet.
 - 1. Do you require that this action be consolidated with any other action(s).
 - 2. Are amendments to any originating or other processes required?
 - 3. Are further and better particulars of any pleading required? If so, specify what particulars are required.
 - 4. Do you object to any interrogatories that may be delivered pursuant to Order 22 Rule 1 of the High Court (Civil procedure) Rules. If so, state grounds of such objection in compliance with Order 27 Rule 4 of the Rules.
 - 5. Do you object to producing any document in respect of which a request for discovery has been made pursuant to Order 27 Rule 8 (1) of the High Court (Civil Procedure) Rules?. If so, state the grounds of such objection in compliance with order 27 Rule 8(3) of the Rules.
 - 6. If you intend to make any additional admissions give details.
 - 7. Will interpreters be required for any witness? If so, state in what language.

8. Is this a case in which the use of a single or join expert might be suitable? If not state reason.
9. Is there any way in which the court can assist the parties to resolved their dispute or particular issued in it without he need for a trial or full trial?.
10. Have you considered some form of Alternative Dispute Resolution (ADR) procedure to resolve or narrow the dispute or particular issues in it? If yes, state the steps that have taken. If not state reason.
11. State any question or questions of law arising in your case, if any, which you require to be stated in the form of a special case for the opinion of the Judge in accordance with Order 29 of the Rules.
12. List the applications you wish to make at the Pre-Trial Conference.

DATED THIS..... 18th DAY OF..... October, 2018.



[Handwritten Signature]

.....
YAKUBU A. ABBAS ESQ.
BABATUNDE ADEYEMI, ESQ.
HADIZA M. ABUBAKAR, ESQ.
AHMED A. ABDULMALIK, ESQ.
ABDULLAHI SANUSI, ESQ.
 PP: MESSRS MI'ZAN CHAMBERS
 (PLAINTIFF'S SOLICITORS)
 SF 38, SUITE 1, 2ND FLOOR
 TURAKI ALI HOUSE
 3, KANTA ROAD
 KADUNA

TEL: 08037869262; 07014269099.
 E-MAIL: yaqubalmuhaamy18@gmail.com.

FOR SERVICE AND/OR ON NOTICE TO:

THE DEFENDANTS
 C/o THEIR SOLICITORS
 M.D. JOSEPH, ESQ.
 D.J. MADAKI, ESQ.
 MINISTRY OF JUSTICE
 STATE SECRETRIAT
 INDEPENDENCE WAY
 KADUNA.
 TEL: 08036039051.

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/670/2018.

BETWEEN:-

MOHAMMED UMAR KARAGE).....PLAINTIFF
AND
1. THE GOVERNOR KADUNA STATE }
2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS) }.....DEFENDANTS

PLAINTIFF'S ANSWERS TO FORM 17 IN COMPLIANCE WITH FORM 16 PURSUANT TO ORDER 26 RULE 1 (2) OF THE HIGH COURT OF KADUNA STATE (CIVIL PROCEDURE) RULES 2007.

1. No.
2. Not yet. May be later.
3. No.
4. No such has been delivered.
5. No such request has been made.
6. We have not and don't intend make any or further admission(s).
7. No.
8. No.
9. Yes. This Honourable Court may aid in frank discussions between Parties and Counsel in this suit towards an amicable settlement of the Plaintiff's claims against the Defendants as all the Parties know the true position of the Plaintiff's claims in this suit.
10. Yes. We have met several times with Counsel to the Defendants and did not onloy meet with the Defendants themselves but we also exchanged correspondences but nothing tangible really transpired as they seems not to be interested in having this matter resolved amicably due to their common position on the matter despite the clear state of pleadings in this suit.
11. Some of the issues of law we most humbly feel if answered could settle this matter are:-
 - (a) Whether the Defendants have the rights to have just revoked the land in dispute as they purportedly have done with no wrong committed by the Plaintiff as the Defendants are

FOR SERVICE

"KARAGE 114"

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO. KDH/KAD/670/18

BETWEEN:

MOHAMMED UMAR KARAGE PLAINTIFF

AND

1. THE GOVERNOR KADUNA STATE
2. THE KADUNA GEOGRAPHIC INFORMATION SERVICE (KADGIS)

DEFENDANTS' ANSWERS TO PRE-TRIAL INFORMATION SHEET

1. No we do not require that this action be consolidated with any other action.
2. Amendments to the processes we filed may be required.
3. No further and better particulars of any pleadings required.
4. We don't object to any interrogatories that may be delivered pursuant to Order 27 Rule 4 of the High Court (Civil Procedure) Rules.
5. We don't object to producing any document in respect of which request for discovery has been made pursuant to Order 27 Rule 4 of the High Court (Civil Procedure) Rules.
6. We don't intend to make any admissions.
7. Interpreters will not be required.
8. No, this is not a case in which the use of a single or joint expert might be suitable.
9. We have no problem with the court assisting the parties to resolve their dispute or particular issues in it without the need for trial or full trial.
10. No we have not considered any form of Alternative Dispute Resolution (ADR) procedure to resolve or narrow the dispute or particular issues in it.



11. There are no questions of law arising in this case which require to be stated in the form of a special case for the opinion of the Judge in accordance with Order 29 of the Rules.
12. We have no applications to make at the pre-trial conference though the need for same may arise during the pre-trial conference or after
13. None

Dated this^{26th}..... day of November 2018



[Signature]
.....
M. D. JOSEPH ESQ.
Y. I. DADAI ESQ. ✓
S. J. MADAKI ESQ.
Ministry of Justice,
State Secretariat,
Independence Way,
Kaduna.

FOR SERVICE ON

Plaintiff,
C/o His Counsel
Y. A. Abbass Esq.
Messrs Mi'zan Chambers'
SF 38, Suite 1, 2nd floor
Turaki Ali House
3, Kanta Road
Kaduna.