

HOMES & PROPERTY

Ajah community battles Lagos, seeks repossession of acquired land

DESCENDANTS of original settlers at Karimu Igbaro Village, via Ajah in Lagos will tomorrow begin a legal battle against the state government in the bid to establish legitimacy of their claims to a 5.093 hectares parcel of land before a Lagos High Court, Igbosere Judicial Division.

The disputed property is located behind Abraham Adesanya Estate at Karimu Igbaro Village by Ajiwe Village, Ajah in Eti-osa Local Government Area of Lagos State.

On Tuesday, July 11, the two contending parties, through their counsel, Mr. Gbenga Ojekunle, for the plaintiffs and Mrs. O.I. Oluwafemi will appear before Justice Olawale Abiru to adopt their written addresses.

In a representative capacity, Pastor Samuel Karimu and Mr. Wahab Karimu had initiated the legal action for themselves and behalf of the entire descendants of Karimu Igbaro Village, Via Ajah.

They sued Lagos State Government and the Attorney General of Lagos.

In their statement, the plaintiffs stated that they connected with the defendants when the latter acquired the vast hectares

of land belonging to them for the construction of Jubilee Estate, now known as Abraham Adesanya.

The plaintiffs said that their progenitor, Karimu Igbaro migrated with his brother, Ajiwe Igbaro from Ile-Ife to Lagos sometime in the 17th century.

They added that the duo of Karimu and Ajiwe Igbaro moved to Ajah, where they met one Fakorede Alagba, the leader of Egungun Cultural Society, who introduced them to Chief Ogunsemo, the head of the first ruling house before the Ojupon ruling house.

"The plaintiffs averred that Ifa Oracle later directed both Karimu and Ajiwe to the different lands where they settled. While Ajiwe settled at Ajiwe Village, Karimu settled at the present day Karimu Igbaro Village".

According to them, the defendants compulsorily acquired part of Karimu Igbaro land for the construction of Abraham Adesanya Estate without payment of compensation.

They said that as a result of the development, the plaintiffs approached the representatives of the defendants over the issue of their acquired land without any result.



• The Abraham Adesanya Housing Estate

A community in Ajah, Lagos, which is seeking to repossess an acquired parcel of land has besieged a Lagos High Court for redress. But the state, however, has denied the plaintiffs' right to the land

Litigation

By Emmanuel Badejo

The plaintiffs' solicitors then wrote a letter dated December 8th 2000, in which they opted to waive

their rights to compensation in respect of the land on which Abraham Adesanya Estate was built and push instead, for the release of the remainder measuring 5.093 hectares

to them unconditionally. The said letter shall be relied upon at the trial of this case.

Descendants from Karimu Igbaro Village also averred that rather than release their said land, the defendants took over the remaining land measuring 5.093 hectares — more particularly described in the Perimeter Survey — in respects of which, they said, they shall prove at the trial that they were not compensated.

The plaintiffs' solicitors, in another letter dated June 20, 2003 had gone ahead to ask for compensation to the tune of N500 million.

Before the courts, however, the plaintiffs are now seeking two relieves, namely;

a declaration that the expanse of land situate behind Abraham Adesanya Estate at Karimu Igbaro Village via Ajiwe Village, via Ajah in Eti Osa Local Government Area of Lagos State more particularly described in the Perimeter Survey, pleaded in paragraph 12, measuring approximately 5.093 hectares belongs to the plaintiffs; and, an order restoring possession of the plaintiffs' land described in paragraph 1 above compulsorily

acquired by the defendants without compensation back to the plaintiffs or alternatively an order compelling the defendants to allocate an alternative and suitable land of the same size to the plaintiffs in lieu of their land that was compulsorily acquired without compensation.

In a three-page second amended statement of defence, the state government said that the land, which is the subject matter of this suit formed a portion of a large area of land that was compulsorily acquired by the state by virtue of Legal Notice No 10, published in the Lagos State Official Gazette, No 8 Vol. 14 of February 19, 1981 and Notice No. 14, published in Lagos State Official Gazette NO. 9 Vol. 14 of February 26, 1981.

Following the series of cases and judgements which invalidated the manner by which the state acquired the controversial land, the defendants revealed that, it (state) in 1993 again revoked all the existing rights of occupancy on the entire land by virtue of Notice No. 36, published in Lagos State Official Gazette No. 20 Vol 26 of May 13, 1993.

The defendants further

Continued on Page 50

Ajah community battles Lagos, seeks repossession of acquired land

Continued from Page 33

averred that as at the time of the revocation of 1993, "Karimu Igbaro Village was not in existence as it

was not listed as an existing village in the list submitted by the traditional heads in the area whose lands were within the revo-

cation."

They also stated that under state's Village Excision Programmes, lands were excised for the use of villages that were known and in existence as at the time of the revocation in 1993.

The defendants also said that the land in dispute herein is within the portion of land area litigated upon in Suit No. LD/1578/94, in respect of which terms of settlement were entered as judgement in 1997.

The defendants added that another land area was again excised in favour of Ajah Community by the said terms of settlement cum judgement, "which land excision the claimants and their cronies have benefited from." The defendants shall rely on the said terms of settlement and judgement in Suit No. LD/1578/94.

They also claim that excision as regards Ajiwe Igbaro Family in the Suit No. LD/1578/94 was effected administratively before the terms of settlement were executed and was published in Notice NO. 16 of Lagos State Official Gazette No. 9 Vol. 29 of March 28, 1996. The said Notice NO. 16 shall be relied upon at the trial of this suit.

The state noted that by reason of these two excisions to the Ajah Community, all families and villages within and around Ajah have been taken care of jointly and severally.

It also holds that in both the first and the second excision to Ajah Community, "the Ajiwe Igbaro family were involved and had specific portions of the land allocated to them." Both Ajiwe Igbaro family and Karimu Igbaro, according to the defendants, are one.

According to the state, "Karimu Igbaro Family was aware of and adequately represented by members of Ajiwe Igbaro Family in all discussions leading to the excisions."

The state added that it zoned the portion of land, which is the subject matter of this suit for housing and had indeed erected on it what is now known as "Abraham Adesanya Housing Estate."

It is, therefore, contending that "this action is misconceived, malicious, frivolous, an abuse of court process and should be dismissed with substantial costs.

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