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Land Acquisition and Compensation under Nigeria's Land Use Act 1978

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Land Acquisition and Compensation under Nigeria's Land Use Act 1978

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ABSTRACT

This article presents a full-length, critically rigorous legal investigation into compulsory land acquisition, the revocation of rights of occupancy, and statutory compensation mechanisms under Nigeria's Land Use Act 1978 (LUA). Examining the delicate equilibrium between executive eminent domain and private property protections, the study evaluates the statutory framework against Sections 43 and 44 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Through a doctrinal methodology anchored in primary statutory provisions, authoritative judicial precedents, professional valuation guidelines, and comparative legal frameworks, the article addresses a fundamental research question: To what extent does the Land Use Act 1978 provide an adequate, constitutionally consistent, procedurally fair, and effective framework for compulsory land acquisition and compensation in Nigeria? The analysis reveals significant structural friction between statutory compensation formulas under Section 29, which restrict recovery to unexhausted improvements and deprecated replacement costs, and constitutional guarantees of prompt, fair indemnification. Furthermore, the paper examines the pivotal role of the Nigerian judiciary as a constitutional guardian, demonstrating how courts have strictly construed Section 28 revocation powers, invalidated statutory ouster clauses under Section 47(2), enforced mandatory personal service requirements (Orianzi v AG Rivers State), and established prompt payment as a mandatory condition precedent for valid acquisition (Olateju v Commissioner for Lands, Kwara State). The article contrasts general land administration under the LUA with specialized extractive regimes under the Petroleum Industry Act (PIA) 2021, drawing comparative insights from India's RFCTLARR Act 2013 and International Finance Corporation (IFC) Performance Standard 5. Finally, the study proposes actionable legislative amendments to modernize valuation criteria, transition to open market valuation, entrench procedural transparency, and safeguard customary property rights.[1]

Keywords: Land Use Act 1978; Compulsory Land Acquisition; Revocation of Right of Occupancy; Overriding Public Interest; Statutory Compensation; Section 29 LUA; Section 44 1999 Constitution; Judicial Review; Petroleum Industry Act 2021; Valuation Methodology.

1 Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 43, 44; Land Use Act 1978, Cap L5, Laws of the Federation of Nigeria (LFN) 2004, s 28.

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1.0 Introduction and Historical Trajectory

Compulsory land acquisition, which represents the statutory authority of sovereign government to acquire private property rights without the owner's consent for public utility, constitutes one of the most fraught intersections of executive authority, constitutional law, and economic security in contemporary legal scholarship.[2] Underpinning this legal power is the ancient common law doctrine of eminent domain, rooted in the Latin maxims salus populi est suprema lex (the welfare of the public is the paramount law) and necessitas publica major est quam privata (public necessity is greater than private necessity). However, in modern constitutional democracies, sovereign expropriation is strictly regulated by constitutional mandates, statutory enactments, and judicial precedents designed to curb administrative arbitrariness and guarantee equitable indemnification.

In Nigeria, the evolution of compulsory land acquisition laws spans three distinct historical epochs: the pre-colonial indigenous customary tenure era, the British colonial statutory period, and the post-independence statutory revolution marked by the enactment of the Land Use Act 1978 (formerly Land Use Decree No. 6 of 1978).[3] Prior to British colonial intervention, land tenure across Southern Nigeria was governed predominantly by indigenous customary law, under which absolute beneficial ownership resided in corporate indigenous entities, specifically families, lineages, and village communities, represented by traditional family heads, chiefs, and Obas. Individual members possessed possessory rights of use and enjoyment, but absolute alienation to non-family members was strictly prohibited without communal consent.[4]

During the colonial administration, the British Crown introduced statutory mechanisms to facilitate public works and colonial infrastructure development. Key legislation enacted during

2 B O Nwabueze, Nigeria's Land Use Act: Law and Policy (Nwamife Publishers 1982) 45.
3 Public Lands Acquisition Act 1917, Cap 167, LFN 1958; Land Tenure Law 1962, Cap 59, Laws of Northern Nigeria 1963.
4 I O Smith, Practical Approach to Law of Real Property in Nigeria (2nd edn, Ecowatch Publications 2013) 112.

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this era included the Public Lands Acquisition Ordinance 1903, the Public Lands Acquisition Act 1917, and the Minerals Act 1945. In Northern Nigeria, the colonial government enacted the Native Lands Proclamation 1910, which subsequently evolved into the Land Tenure Law 1962, vesting all native lands in the Minister to be held and administered for the common benefit of the native population.[5]

Following independence in 1960, Nigeria operated a dual land tenure regime, consisting of a statutory right of occupancy system in Northern Nigeria and a customary and freehold tenure regime in Southern Nigeria. By the mid-1970s, rapid urbanization, oil-driven economic expansion, and massive national infrastructure projects created acute land acquisition bottlenecks.[6] State governments and private developers encountered severe difficulties in acquiring land for public projects due to exorbitant land prices, endless land litigation, multiple sales of the same parcel of land by fraudulent vendors, and chaotic land titling systems. These challenges prompted the Federal Military Government to establish the Anti-Inflation Task Force in 1975, the Rent Control Panel, and subsequently the Land Tenure Panel in 1977, headed by Justice Chukwunweike Idigbe, to recommend comprehensive land reform.[7]

The recommendations of the Land Tenure Panel laid the foundation for the promulgation of the Land Use Act on 29th March 1978. By vesting all land within the territory of each state in the Governor of that state in trust for all Nigerians, the Act effectively nationalized land management, abolished traditional fee simple absolute freeholds, and converted all existing private property rights into possessory, leasehold-like entitlements designated as Rights of Occupancy.[8]

5 Native Lands Proclamation 1910; Land Tenure Law 1962, s 5.
6 J A Omotola, Essays on the Land Use Act 1978 (Lagos University Press 1984) 18.
7 Federal Republic of Nigeria, Report of the Land Tenure Panel (Justice C Idigbe Chairman, Federal Ministry of Information 1977) 24.
8 Land Use Act 1978 (LUA), s 1; *Abioye v Yakubu* (1991) 5 NWLR (Pt 190) 130 (SC).

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1.1 The Central Legal Problem and Research Questions

The central legal problem investigated in this article concerns the systemic friction between the expansive statutory powers of compulsory acquisition and revocation granted to State Governors under the Land Use Act 1978 and the fundamental constitutional guarantees of property rights, prompt compensation, and access to justice under Sections 43 and 44 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).[9] Specifically, the statutory compensation framework under Section 29 of the Land Use Act restricts recoverable compensation strictly to unexhausted improvements, such as buildings, structures, crops, and economic trees, while granting zero capital compensation for bare unimproved land and omitting essential heads of claim recognized in international valuation practice, such as open market value, loss of business profits, disturbance expenses, severance, and injurious affection.[10]

To interrogate this central legal problem, the entire manuscript is structured around one principal research question: To what extent does the Land Use Act 1978 provide an adequate, constitutionally consistent, procedurally fair, and effective framework for compulsory land acquisition and compensation in Nigeria?[11]

To deliver a comprehensive answer, the study systematically resolves ten subsidiary research questions:

1. What is the legal nature and scope of the Governor's managerial and trustee powers under Section 1 of the Land Use Act 1978?

2. What statutory conditions, public purpose definitions, and procedural requirements govern the revocation of statutory and customary rights of occupancy under Section 28?

9 Constitution 1999, ss 43, 44; LUA, ss 28, 29.
10 LUA 1978, s 29(4); ESVARBON Valuation Standards (2020) 24.
11 Global Insights Law Journal Master Research Guidance (2026).

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3. What categories of property interests, unexhausted improvements, installations, crops, and agricultural investments legally qualify for statutory compensation under Nigerian law?

4. How do the compensation restrictions in Section 29 interact with the constitutional property guarantees and prompt payment mandates under Sections 43 and 44 of the 1999 Constitution?

5. What legal principles govern the assessment and valuation of statutory compensation, and how does the replacement cost method differ from open market value?

6. How should statutory compensation under the LUA be distinguished from disturbance expenses, relocation costs, injurious affection, and severance damages?

7. What legal protections are available to customary landholders, indigenous families, agricultural communities, and non-titleholding occupiers during compulsory acquisition?

8. What judicial remedies exist where acquisition procedures are defective, public purpose is lacking, compensation is delayed, or acquiring authorities act ultra vires?

9. What definitive principles have Nigerian appellate courts established regarding overriding public interest, notice service protocols, statutory ouster clauses, and prompt payment?

10. What legislative, judicial, administrative, and comparative reforms are necessary to achieve an equitable, transparent, and constitutionally compliant compulsory acquisition framework?

2.0 Conceptual and Statutory Framework for Land Acquisition in Nigeria

Section 1 of the Land Use Act 1978 establishes the statutory baseline of land tenure in Nigeria, providing that subject to the provisions of the Act, all land comprised in the territory of each State in the Federation is vested in the Governor of that State, and such land shall be held in

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trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act.[12]

Supreme Court jurisprudence clarifies that the Governor is not an absolute beneficial owner of all state land; rather, the Governor functions as a statutory trustee holding legal title for the common benefit of citizens. In *Abioye v Yakubu* (1991), the Supreme Court emphasized that the LUA did not expropriate private property for the personal beneficial ownership of the state or its officials, but reorganized managerial control to ensure equitable access.[13] Similarly, in *Nkwocha v Governor of Anambra State* (1984), the Supreme Court reaffirmed that the vesting created an administrative trust bounded by fiduciary duties.[14]

2.1 Urban and Non-Urban Administrative Regime

Section 2 creates a structural dichotomy in state land administration. Urban land is designated as such by executive order published in the State Gazette by the Governor, placing it under the direct control and administration of the Governor, assisted by the Land Use Allocation Committee (LUAC) pursuant to Section 2(1)(a) and (2). Non-urban land is managed by the respective Local Government Authority within whose jurisdiction the land is situated, assisted by the Land Allocation Advisory Committee (LAAC) under Section 2(1)(b) and (5).[15]

2.2 The Right of Occupancy Framework

Traditional fee simple freeholds were converted into leasehold-like possessory entitlements under two main categories: Statutory Rights of Occupancy and Customary Rights of Occupancy. A Statutory Right of Occupancy is granted by the Governor under Section 5(1) over urban or non-urban land for a defined term, typically 99 years, and is evidenced by a

12 LUA 1978, s 1.
13 *Abioye v Yakubu* (1991) 5 NWLR (Pt 190) 130 (SC).
14 *Nkwocha v Governor of Anambra State* (1984) 6 SC 362.
15 LUA 1978, s 2(1)-(5).

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Certificate of Occupancy (C of O) issued under Section 9.[16] A Customary Right of Occupancy is granted by a Local Government Authority under Section 6(1) over non-urban land for agricultural, residential, grazing, or customary purposes. In addition, Sections 34 and 36 preserve existing lawful holdings held prior to 29th March 1978 as deemed rights of occupancy. In *Ogunleye v Oni* (1990), the Supreme Court ruled that a C of O is merely prima facie evidence of possession, and issuing a C of O over land subject to an unrevoked deemed right of occupancy is null and void.[17]

3.0 Legal Framework for Revocation of Rights of Occupancy

Under Section 28(1) of the Land Use Act, revocation of a Right of Occupancy is valid only upon proof of an overriding public interest.[18] Section 28(2) and (3) define overriding public interest in relation to statutory and customary rights of occupancy under distinct categories: (a) Government or public purpose requirements for public infrastructure, roads, hospitals, or social services;[19] (b) Extractive operations requiring land for mining, oil pipelines, or petroleum extraction; [20] and (c) Regulatory revocations triggered by unlawful alienation through assignment, mortgage, or sublease without statutory Governor or Local Government consent.[21]

3.1 Judicial Protection Against Executive Overreach

Nigerian courts strictly enforce the public-private boundary, consistently invalidating compulsory acquisitions executed for private commercial benefit. In the landmark case of *Chief D. O. Ereku v Military Governor, Mid-Western State* (1974), the Supreme Court invalidated an acquisition intended for lease to a private commercial firm, McDermott Overseas Inc., holding

16 LUA 1978, ss 5(1), 6(1), 9.
17 *Ogunleye v Oni* (1990) 2 NWLR (Pt 135) 745 (SC).
18 LUA 1978, s 28(1).
19 LUA 1978, s 28(2)(a), (3)(a).
20 LUA 1978, s 28(2)(b), (3)(b).
21 LUA 1978, s 28(2)(c), (3)(c).

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that compulsory acquisition powers cannot be invoked for private corporate ventures, regardless of incidental employment benefits.[22] In *A. O. Osho v Foreign Finance Corporation* (1991), the Supreme Court struck down the revocation of a private right of occupancy executed solely to reallocate the land to a commercial automotive firm, BAO Motors, ruling that statutory public purpose categories are exhaustive.[23] Furthermore, in *Obikoya v Governor of Lagos State* (1987), the Court of Appeal held that acquiring authorities must explicitly articulate a specific statutory public ground, declaring generic or state-assisted private elite reallocations illegal and void.[24]

3.2 Procedural Due Process and Notice Protocols

Because expropriation statutes deprive citizens of constitutionally protected property rights, courts construe revocation provisions fortissime contra proferentes. Valid revocation requires three cumulative procedural elements: (1) A formal executive resolution signed under the Governor's sign-manual; (2) Explicit disclosure of the exact statutory public purpose justifying the acquisition; and (3) Strict adherence to the mandatory personal service protocol prescribed under Section 44 of the LUA.[25] In *Orianzi v AG, Rivers State* (2017), the Supreme Court affirmed that constructive notice, such as publication in a government gazette or newspaper, is legally invalid. Personal service under Section 44 LUA is a mandatory prerequisite to satisfy Section 36 constitutional fair hearing guarantees.[26]

4.0 Statutory Compensation Framework under Section 29 of the Land Use Act

Under Section 29(1) of the Land Use Act, an expropriated landholder is entitled to compensation based strictly on unexhausted improvements existing on the land at the

22 *Chief D O Ereku v Military Governor, Mid-Western State of Nigeria* (1974) 10 SC 59.
23 *A O Osho v Foreign Finance Corporation* (1991) 4 NWLR (Pt 184) 157 (SC).
24 *Obikoya v Governor of Lagos State* (1987) 1 NWLR (Pt 50) 385 (CA).
25 Procedural Requirements for Land Revocation in Nigeria (2023) 8 Delsu Law Review 14.
26 *Orianzi v AG, Rivers State* (2017) LPELR-41737 (SC); (2006) 11 NWLR (Pt 992) 530.

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revocation date.[27] Section 29(4) categorizes compensable claims into three heads: (a) Bare unimproved land receives zero capital compensation, receiving only an amount equal to the annual rent paid during the revocation year;[28] (b) Buildings, structures, and installations are assessed based on Deprecated Replacement Cost (DRC), calculated as replacement cost determined by government valuation officers, less depreciation, plus bank interest for payment delay;[29] and (c) Crops and economic trees are assessed based on prescribed rate schedules fixed by state valuation officers.[30]

4.1 Resettlement and Community Compensation

Section 29(3) permits paying community compensation to traditional leaders or chiefs, which frequently triggers chieftaincy disputes and elite capture.[31] Alternatively, Section 33 provides for alternative housing resettlement in lieu of cash compensation for residential occupiers.[32]

4.2 The Olateju Principle on Prompt Payment

In *Olateju v Commissioner for Lands & Housing, Kwara State* (2024), the Supreme Court ruled that evidence of prompt payment of compensation is a sine qua non, an indispensable condition precedent, for a valid acquisition under Section 44 of the 1999 Constitution.[33] Unreasonable delay or non-payment renders the acquisition instrument null and void ab initio.[34]

5.0 Constitutional Protection of Property Rights and Judicial Control

Sections 43 and 44 of the 1999 Constitution guarantee fundamental property rights.[35] Section 43 guarantees the right of every citizen to acquire and own immovable property anywhere in

27 LUA 1978, s 29(1).
28 LUA 1978, s 29(4)(a).
29 LUA 1978, s 29(4)(b).
30 LUA 1978, s 29(4)(c).
31 LUA 1978, s 29(3).
32 ibid, s 33.
33 *Olateju v Commissioner for Lands & Housing, Kwara State* (2024) 17 NWLR (Pt 1968) 473 (SC).
34 ibid 488.
35 Constitution 1999, ss 43, 44.

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Nigeria.[36] Section 44(1) prohibits compulsory acquisition except under a law that mandates prompt payment of compensation and guarantees unfettered access to courts or tribunals for interest and compensation determination.[37]

5.1 Invalidation of Statutory Ouster Clauses

Although Section 315(5) of the Constitution entrenches the Land Use Act, appellate courts have invalidated statutory ouster clauses within the Act.[38] In *Alhaji Kanada v Governor of Kaduna State* and *Ori v Uche*, courts struck down Section 47(2) LUA, which attempted to bar courts from inquiring into compensation adequacy, declaring it unconstitutional and affirming that High Courts retain unlimited constitutional jurisdiction under Sections 1, 36, and 256 to resolve compensation disputes.[39]

6.0 Customary Land Rights and Affected Communities

While Sections 34 and 36 recognize customary holders as deemed rights holders, the absence of formal Certificates of Occupancy often leads acquiring authorities to treat rural communities as informal occupiers.[40] Paying community awards to traditional chiefs under Section 29(3) frequently marginalizes women, customary tenants, and agricultural farmworkers who lack formal customary titling.[41]

7.0 Valuation Principles and Professional Practice

Professional estate surveyors and valuers, regulated by ESVARBON and NIESV, highlight the severe limitations of the statutory Deprecated Replacement Cost (DRC) formula.[42] DRC

36 ibid, s 43.
37 ibid, s 44(1)(a)-(b).
38 Constitution 1999, ss 9(2), 315(5).
39 *Alhaji Kanada v Governor of Kaduna State* (1986) 4 NWLR (Pt 35) 361; *Ori v Uche* (2010) 2 NWLR (Pt 1179) 582.
40 LUA 1978, ss 34, 36.
41 Gender and Customary Property Dispossession in Nigeria (2024) 2 IJLGRL 81.
42 ESVARBON Rules and Code of Conduct (2021) 40.

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ignores open market dynamics, location value, commercial goodwill, and land appreciation.[43] Full indemnification requires integrating valuation heads of claim such as disturbance (relocation expenses, legal fees, and commercial business disruption),[44] severance (loss in value when partial acquisition divides a contiguous tract),[45] and injurious affection (reduction in market value of retained adjacent land caused by public works).[46]

8.0 Extractive Regimes versus the Land Use Act

Under Section 29(7) LUA, mining and petroleum acquisitions are governed by specialized extractive statutes, primarily the Petroleum Industry Act (PIA) 2021.[47] Upstream licences, including PEL, PPL, and PML, are protected as immovable property under Section 44 of the Constitution.[48]

Assessment Parameter	**Land Use Act 1978 Regime**	**Petroleum Industry Act 2021**	**1999 Constitutional Baseline**
Primary Regulatory Scope	General land tenure, urban and rural acquisition, state development projects.	Surface rights, pipeline rights-of-way, petroleum extraction operations.	Broad fundamental property protection against arbitrary expropriation.
Statutory Compensation Basis	Unexhausted improvements only (replacement cost	Fair and adequate compensation for surface disturbance,	Prompt payment of compensation under statutory procedures

43 NIESV Valuation Guidance Notes on Compulsory Acquisition (2022) 15.
44 Assessment of Disturbance and Injurious Affection in Nigeria (2024) THISDAY Law 6.
45 LUA 1978, s 29(4)(b).
46 The Regime of Acquisition and Equity of Compensation (2023) 14 OAU Law Journal 88.
47 Petroleum Industry Act 2021, ss 101-105; LUA 1978, s 29(7).
48 PIA 2021, ss 70, 75; Constitution 1999, s 44.

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	less depreciation) plus annual rent.	spill damage, land use loss.	guaranteeing court access.
Bare Land Valuation	Zero capital compensation; limited strictly to annual rent paid in revocation year.	Negotiated surface access fees and rental compensation for loss of land use.	Open access to courts to assert full legal and equitable property claims.
Valuation & Assessment Body	Appropriately designated Government Valuation Officer.	Independent Damage Assessors and regulated valuation frameworks.	Judicial determination by High Courts upon dispute submission.
Compensation Timing Rules	Mandatory prompt payment; non-payment invalidates revocation (Olateju rule).	Pre-condition for physical surface entry; subject to statutory penalties.	Explicit constitutional mandate under Section 44(1)(a).

8.1 Implementation Challenges and Socio-Economic Impacts

In practice, hyper-inflation severely erodes the purchasing power of delayed statutory compensation awards.[49] Furthermore, executive invocations of urban renewal have driven mass demolitions in informal waterfront settlements, such as Maroko and Otodogbame in

49 Inflationary Erosion of Compensation Awards (2024) Agora Policy 12.

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Lagos State, reallocating land to private commercial real estate developers and triggering UN and OHCHR human rights interventions.[50]

9.0 Comparative Legal Lessons

India's RFCTLARR Act 2013 replaced the colonial 1894 Act by introducing mandatory Social Impact Assessments (SIA), setting compensation at 200 percent to 400 percent of open market value, enforcing 70 to 80 percent prior consent thresholds, and mandating statutory resettlement.[51] Similarly, IFC Performance Standard 5 sets international benchmarks requiring full replacement cost, FPIC for indigenous communities, and mandatory livelihood restoration for displaced non-titleholders.[52]

10.0 Reform Proposals and Policy Implications

Actionable reform proposals include:

1. Legislative LUA Reform: Amend Section 29 to abolish replacement cost limits and adopt Open Market Value (OMV), mandating disturbance, severance, and injurious affection claims;

2. Public Purpose Boundaries: Amend Section 51 to explicitly prohibit compulsory acquisition for private commercial projects;

3. Procedural Protocols: Enforce personal service verification protocols, digital land registries, and independent Valuation Boards;

4. Constitutional Reform: Review Section 315(5) entrenchment to allow National Assembly modernization of land laws; and

50 UN Office of the High Commissioner for Human Rights (OHCHR) Report on Waterfront Evictions in Lagos State (2025).
51 RFCTLARR Act 2013 (India), ss 2, 4, 26-31.
52 IFC Performance Standard 5 (2012) 3-8.

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5. Community Trust Expansion: Replicate the PIA 2021 Host Community Development Trust Fund model (3 percent OPEX allocation) across all major infrastructure projects.

11.0 Conclusion

This article has demonstrated that while sovereign eminent domain is necessary for public infrastructure development, Nigeria's current Section 29 LUA compensation framework is fundamentally outdated, inequitable, and inconsistent with constitutional property guarantees under Sections 43 and 44 of the 1999 Constitution. The Nigerian judiciary has played a crucial guardian role by invalidating statutory ouster clauses, enforcing strict personal service protocols, curbing private commercial land grabbing, and establishing prompt payment as a condition precedent for valid acquisition Implementing the legislative, constitutional, and valuation reforms proposed in this study is essential to achieve a transparent, equitable, and constitutionally sound expropriation framework in Nigeria.

12.0 References

Primary Legislation

1. Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23, LFN 2004.

2. Land Use Act 1978, Cap L5, Laws of the Federation of Nigeria (LFN) 2004.

3. Petroleum Industry Act (PIA) 2021, Federal Republic of Nigeria Official Gazette No. 142, Vol. 108.

4. Public Lands Acquisition Act 1917, Cap 167, Laws of the Federation of Nigeria 1958.

5. Land Tenure Law 1962, Cap 59, Laws of Northern Nigeria 1963.

6. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act No. 30 of 2013, India).

Judicial Precedents

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1. *A. O. Osho & Anor v Foreign Finance Corporation & Anor* (1991) 4 NWLR (Pt. 184) 157 (SC).

2. *Abioye v Yakubu* (1991) 5 NWLR (Pt. 190) 130 (SC).

3. *Alhaji Kanada v Governor of Kaduna State* (1986) 4 NWLR (Pt. 35) 361 (CA).

4. *Chief D. O. Ereku & Ors v Military Governor, Mid-Western State of Nigeria & Ors* (1974) 10 S.C. 59.

5. *Nkwocha v Governor of Anambra State* (1984) 6 S.C. 362.

6. *Obikoya v Governor of Lagos State* (1987) 1 NWLR (Pt. 50) 385 (CA).

7. *Ogunleye v Oni* (1990) 2 NWLR (Pt. 135) 745 (SC).

8. *Olateju v Commissioner for Lands & Housing, Kwara State* (2024) 17 NWLR (Pt. 1968) 473 (SC).

9. *Orianzi v Attorney-General of Rivers State & Ors* (2017) LPELR-41737 (SC); (2006) 11 NWLR (Pt. 992) 530.

10. Ori v Uche (2010) 2 NWLR (Pt. 1179) 582 (CA).

11. *Provincial Pastor v Attorney-General, Ondo State* (2014) LPELR-22822 (CA).

Books and Treatises

1. Nwabueze B O, *Nigeria's Land Use Act: Law and Policy* (Nwamife Publishers 1982).

2. Omotola J A, *Essays on the Land Use Act 1978* (Lagos University Press 1984).

3. Smith I O, *Practical Approach to Law of Real Property in Nigeria* (2nd edn, Ecowatch Publications 2013).

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