

Reliefs for Trespass to Land and Compensation for Damage to Land - Jurisdiction of the Federal High Court Thereon

In the Supreme Court of Nigeria
Holden at Abuja
On Friday, the 4th Day of June 2025

Before Their Lordships
Uwani Musa Abba Aji
Emmanuel Akomaye Agim
Chioma Egongdu Nwosu-Iheme
Stephen Jonah Adah
Jamilu Yammama Tukur
Justices, Supreme Court

SC/CV/1085/2023

Between

MR. SUNNY MENE-OKOTIE
(Suing for himself and on behalf of
Imene Okotie family)

APPELLANT

And

PAN OCEAN OIL CORPORATION (NIG.) LTD

RESPONDENT

“The trial court has the jurisdiction to entertain core matters relating mines and mineral and this is inclusive of “oil field” “oil mining”, “geological surveys” and “natural gas”. When a court has jurisdiction over a particular issue and there are offshoot of issues generated or orchestrated as a fallout from the original matter, the court, no doubt has the ancillary jurisdiction to entertain such orchestrated issues”

(Lead judgement delivered by Honourable Stephen Jonah Adah, JSC)

Facts

The Appellant instituted the action at the High Court of Benin, sitting at Asaba, seeking amongst other reliefs, the sum of ₦75,194,886.13 (Seventy Five Million, One Hundred and Ninety Four Thousand, Eight Hundred and Eighty Six Naira, Thirteen Kobo) being special and general damages due and payable as compensation in accordance with the provision of the Oil Pipeline Act 1990, for the acquisition of the Appellant's Land for the construction of oil pipeline. The Appellant equally sought a declaration that the Appellant is the proper person entitled to claim from the Defendant all money(s) due and payable as compensation, for the brazen act of trespass on the said land for the purpose of operating an Oil Pipeline access by virtue of Oil Prospecting, Oil exploration licenses granted to the Respondent without the consent of the Appellant. In proof of his case, the Appellant called four witnesses and tendered several documents which were admitted in evidence as exhibits. The Respondent called one witness who testified on its behalf. At the conclusion of trial, the court delivered its judgement in favour of the Appellant.

Dissatisfied, the Respondent appealed to the Court of Appeal which allowed the Appeal, holding that the Appellant's action relates to title to land, and the trial court lacked the jurisdiction to determine the suit. Thereafter, the Appellant being dissatisfied with the decision of the Court of Appeal, filed an appeal to the Supreme Court.

Issue for Determination

The Supreme Court adopted the sole issue distilled by the Appellant for the determination of the appeal, thus:

Whether the Court of Appeal was right when it held that the appellant's action before the trial court deals with, relates to and raises the issues of title to land over which the trial court had no jurisdiction to entertain.

Arguments

For the Appellant, it was strenuously argued that the Court of Appeal erred in law when it held that the trial court lacked the requisite jurisdiction to entertain the Appellant's action on the ground that the claim raised issues relating to title to land. The Appellant submitted that a careful examination of the Writ of Summons, the reliefs sought, and the pleadings exchanged between the parties clearly shows that the action did not involve any dispute as to title to land, nor did it concern a claim for compensation arising from acquisition of land under the Land Use Act. He contended that the principal claim of the Appellant was for damages arising from the construction, operation, and maintenance of oil pipelines by the Respondent across the Appellant's land, and not a claim for

declaration of title to land. Relying on Section 251(1)(n) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Section 7(1)(n) of the Federal High Court Act, he argued that the Federal High Court has jurisdiction to entertain actions for compensation relating to land where the radical title is not in dispute. In this case, it is not in dispute that in the course of the Respondent's construction and laying of oil pipelines across the Appellant's family land for the transportation of crude oil from its flow station to its terminal, various damage was occasioned thereby. These included the desecration of the Appellant's family shrines, ancestral burial grounds and graves, as well as the destruction of several economic trees. The Appellant contended that the Justices of the Court of Appeal confined themselves to Section 251(1)(n) of the Constitution without considering Section 7(3) of the Federal High Court Act, 2004, which confers additional jurisdiction on the Federal High Court. He posited that in the exercise of its jurisdiction over civil causes and matters relating to mines and minerals, including oil fields, oil mining, geological surveys, and natural gas, the Federal High Court is also competent to determine ancillary questions relating to the identity of the person or persons entitled to compensation for land affected by the operations of a holder of an Oil Mining Lease or Licence under the Petroleum Drilling and Production Regulations No. 69 of 1969.

Responding to the submissions, the Respondent argued that the Court of Appeal was right in holding that the trial court lacked the jurisdiction to entertain the Appellant's suit as it relates to ownership of land and trespass, which is outside the jurisdiction of the Federal High Court. That courts are creations of statute and derive their jurisdiction from the statutes establishing them; and as such, jurisdiction cannot be conferred by the courts themselves but only by the legislature. The Respondent posited that Section 251(1)(n) of the Constitution, does not confer the Federal High Court with jurisdiction to make declarations relating to title to land or to determine issues of ownership and trespass to land. That a careful examination of the reliefs endorsed on the Appellant's claim before the trial court shows that the appropriate court with jurisdiction to entertain the action is the State High Court and not the Federal High Court. Counsel submitted that contrary to the Appellant's argument, the Federal High Court Act has not expanded the exclusive jurisdiction of the Federal High Court beyond the limits prescribed by the Constitution. The courts are not permitted to enlarge the jurisdiction of the Federal High Court beyond the provisions of Section 251(1)(n) of the 1999 Constitution (as amended). He, therefore, urged the Court to discountenance the submissions of the Appellant relating to jurisdiction over matters concerning mines and minerals.

Court's Judgment and Rationale

Resolving the sole issue, the Supreme Court reiterated the settled position of the law that *Jurisdiction is a threshold issue and the lifeblood of any adjudication, the absence of which divest the court of any legitimacy on a cause or matter before it.* It is a matter of strict application donated by the enabling statute or law that for a court of law to assume any legal capacity to entertain any cause of action, such capacity must be properly rooted in the scope of the enabling statute. The Supreme Court held that *the cause of action forms the basis for the reliefs of Plaintiff/Claimant and that is the determinant of the subject matter jurisdiction of the court.*

Their Lordships held that from the facts of the case, the first and second reliefs of the Appellant before the trial court are the principal reliefs which bordered on specific and general damages as compensation for the destruction of the appellant's land and other ancillary reliefs of injunctions. The reliefs disclosed that the Appellant's claim is on compensation by the Respondent whose trespass upon the land for pipeline operation led to the destruction of economic trees; desecration of ancestral shrines and burial grounds. In this case, the Respondent did not deny the fact that it carried-on pipeline and oil prospecting business on the land. It is, therefore, a misconception of the claim of the Appellant before the trial court to say the claim is related to title to land.

The Supreme Court held further that by the provisions of Section 251 of the 1999 Constitution (as amended), *the Federal High Court has the jurisdiction to entertain core matters relating to mines and mineral and this is inclusive of "oil field" "oil mining", "geological surveys" and "natural gas". When a court has jurisdiction over a particular issue and there are offshoot of issues generated or orchestrated as a fallout from the original matter, the court, no doubt has the ancillary jurisdiction to entertain such orchestrated issues - CONTROLLER-GENERAL PRISONS v ELEMA (2021) 12 NWLR (PT. 1790) 234.*

Regarding the submission of the Respondent that issues of compensation relating to Oil Pipeline can only be entertained by a Magistrate Court of a State High Court, the Supreme Court noted that the Oil Pipeline Act is a pre-existing legislation which is preserved under Section 315(1) and (3) of the Constitution. The apex court, however, emphasised on the supremacy of the Constitution over all other laws before or after the promulgation of the Constitution. At the time the Oil Pipeline Act was enacted, the 1999 Constitution had not given exclusive jurisdiction to the Federal High Court on the subject. *Section 19 of the Oil Pipeline Act giving jurisdiction to a Magistrate Court or State High Court is in conflict with the provisions of Section 251(1) of the Constitution and it is ipso facto void in line with*

Section 1(3) of the 1999 Constitution. The situation is such that any law that clashes with the provisions of the Constitution shall give way to the provisions of the Constitution - A.G. FEDERATION v A.G. LAGOS STATE (2013) LPELR - 20974 (SC).

Accordingly, the Supreme Court resolved the sole issue in favour of the Appellant and set aside the decision of the lower court. The judgement of the trial court was restored.

Appeal allowed.

Representation

S.O. Agwinede, Esq., with P.A. Abdulimen, Esq. for the Appellant.

Eric K. Omale, Esq., with Zeph Onwuzulike, Esq. for the Respondent.

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