

PUBLIC NOTICE

In June 2010 we placed a public notice on the dailies, cautioning members of the public on the unilateral sub-division of Land into plots (Layouts) by groups and individuals and the sale of such plots to members of the public. In the notice we highlighted the legal status of these layouts as well as transactions related to the plots created therein. We also warned of the likely sanctions Government can impose. We have, however observed with dismay, that these illegal activities have continued unabated.

2. We have thus found it expedient to place this notice and do hereby wish to remind and invite members of the public to TAKE NOTE:-

- (i) That by virtue of section 34 sub-section 7 of the Land Use Act Cap 202 Laws of the Federation of Nigeria 1990, sub-division or Layout into plots of land in Urban Areas by private individuals or groups is illegal as powers of approval of all layout is vested on the Governor of the state only.
- (ii) That under the same sub-section 7 of section 34 of the same Act, no such land shall be transferred without the prior consent in writing of the Governor.
- (i) That section 34 sub-section 8 of the same Land Use Act provides that any instrument purporting to transfer any undeveloped Land in contravention of the above mentioned section 34 sub-section 7 shall be void and of no effect whatsoever in Law and any party to such instrument shall be guilty of an offence and liable on conviction to imprisonment or fine.
- (ii) That under section 28 sub-section 1 of the Nigerian Urban and Regional Planning Act Cap 138 Laws of the Federation of Nigeria 2004, approval of the relevant planning Authority (KASUPDA) is required for any development on land within its jurisdiction.

- (iii) That henceforth Government will decline to issue Certificate of Occupancy evidencing title to land that is a product of illegal layouts and parties to transactions related to such Land are liable to be prosecuted.
- (iv) That removal and or Destruction of Survey Beacons fixed by the Government is illegal.
- (v) That section 13 (2) (a to c) provides National Inland water ways Authority Act, cap 47 Laws of the Federation 2004. This shows that no person shall erect any permanent structure along the water ways without the consent of the relevant Authority. Section 13 sub (2) provides that no person including a state shall:-
 - (a) Obstruct a declare water way, take sand, gravels, or stone from any Declare water way: or
 - (b) Erect permanent structures within the right of way or divert water from a declare water way.
 - © Carry out any of the activities as specifying in section (9) of this Act without the written consent, approval or permission of the Authority.
- (vi) That the Kaduna State Urban Planning and Development Authority, being the Planning Authority responsible for the grant of approval for Land development in the Urban areas of the state, shall henceforth decline to grant approval for the development of any land which is a product of an illegal layout. And such Development without approval is subject to Demolition.

3. Members of the public are strongly advised to seek advice or clarification from the Ministry of Lands, Survey and Country Planning before purchasing plots in any urban Area of the State, please.

4. Although we are aware that ignorance of the Law is not an excuse and can never be, we have painstakingly set out the facts above in order to enlighten members of the public, and having done so, you will not be heard to say I DID NOT KNOW.

5. We are glad to state that Government is making concerted efforts to create layouts in our Urban Areas with the view of meeting the growing demand for land by members of public.

6. All holders of statutory Right of Occupancy are hereby reminded of their covenant with the Kaduna State Government as contained in paragraph 2(ii) of the letter of offer of grant and or clause 1 of the Certificate of Occupancy issued to them, to pay without demand the prescribed ground rent and any revised ground rent. Please take note that payment of ground rent falls due as from the first day of January every year; and any delay in such payment will attract a penalty which is a percentage of the ground rent payable depending on the duration of the delay.

ALH. MOHAMMED RABIU JA'AFARU
Hon. Commissioner
Ministry of Land Survey
And Country Planning,
Kaduna.