

NAME: OBIAGWU MICHAEL
MATRIC.NO 16/LAW01/143

STATE : ANAMBRA STATE
LOCALITY: ALO TOWN, IDEMILI-SOUTH

THE CUSTOMARY LAND TENURE SYSTEM PRACTICED IN MY LOCALITY.

Customary Land tenure System simply refers to a system of landholding governed by customary law since 1978, the Nigerian customary land tenure has been modified to a large extent, by the provisions of the Land Use Act, 1978. In **Otunba Hakeem Sobande v Barrister Andy Igbowkwe**, the Supreme Court held that the object of the Land Use Act is not intended to destroy incidence of customary law, but it modified its application.

I will be expatiating the customary land tenure system as regards Alo Town, Idemili-south, Anambra State.

There are various systems of Land ownership, but in Alo Town, the Orthodox Land Tenure practice we observed, is the ownership concept of Family Land.

OWNERSHIP

In **Okulade v Awosanya**, Uwaifo JSC defined family as “ the body of persons who live in one house or under one head, including parents, children, servants... The group consisting of parents and their children, whether living together or not; in wider sense all those who are nearly connected by blood or affinity... Those descendants claiming descent from a common ancestor; a house; kindred lineage.” As regards family land in my locality, the land belongs to all men in the family, and when the next generation produces only one male, the land becomes an individual holding of the sole heir, and if he has more than one son, the land is again made a familial holding, and when there are no heirs(male) the land is partitioned to the husbands of the female members, and when there are no heirs at all, the land is then partitioned throughout the extended family or made an individual holding of anyone the predecessors choose.

CREATION

This family land system is created solely by act of the involved parties, either by:

Family Settlement
Conquest
Purchase; and
Gift.

MANAGEMENT

The land(s) is managed by the people or person the land belongs to, those set of people in agreement, decide how the land will be managed, used and utilized for the family' s benefit. In this system when it comes to land, the family head concept has only very little to play, because all owners have equal rights to the land, he has the final say as regards decision making, but when one other member does not agree with that decision, his portion of the property(equal to the others) is partitioned and given to him.

DETERMINATION

Absolute Transfer

Absolute transfer of family property occurs where the family transfers the totality of its interest in the family land to another person. This may be by way of sale or gift

Partition

Partition is the act of sharing of family property among the members of the family. In **Alhaja Barakat Alafia & Gbode Ventures Nig. Ltd**, it was held that partition means the permanent division of land for purposes, not of user only, but of ownership as well. Partition may be voluntary if it is as a resulting from mutual agreement amongst members of the family to partition the property.