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ABSTRACT

The writer seeks to explain how community land is held and managed in his locality, and the writer hails from Anambra state, Aguta local government, Achina village.

CREATION

Land, a major factor of production has so many definitions and by different scholars. While an economist sees it as a factor of production, a lawyer sees it from a point of a legal maxim, 'Quicquid plantatur solo solo credit'. The igbos believe that land is a gift from God to them and humans have mere right to use it. Acquisition is by settlement on the land.

Under this a well straight hierarchy exists, the apex is the traditional ruler and grant is from the family head or community

Land tenure is the name given in common law systems, to the legal regimes in which land is owned.

Land tenure in Anambra state is classified into communal land ownership and etc. The communal land tenure system defines the community as the main owner of land. The head of certain community has the main power over the land. Customary land tenure systems in Nigeria is based on inheritance and etc

The land is held by the village chief in trust for members of the community, hence making provisions for communal farming, such land cannot be disposed of without appropriate authority

OWNERSHIP

Ownership generally consists of complex of rights, all of which are rights in REM being good against all the world and not merely against specific persons. It could be said that it is through the motion of ownership that one could assert his individuality.

It is based on inalienable and equal rights of joint ownership of land by every member of the community with some appointed members usually the elders or titled men given the responsibility of being custodians of the land on behalf of others.

Whatever is Origin, Ownership is generally regarded as the creation of law. It is the law of a particular society that could determine what could or could not be “owned” by individual, or group or community. In my community, the ownership of Land is communal, It is the community that owns the land, the elders headed by the Chief of the community holds it on trust for the entire community.

If any of the male member of the community wants to make use of any portion of the community land, he will perform the rites that is required, In farming seasons it is the elders in council that apportion lands to the members of each family or community for the purpose of farming only.

In conclusion, Customary Land Tenure in community, is generally owned by

1. Community
2. Family
3. individuals (hereditary)

Communal land in my place can be determined by the following ways:

- 1) An outright sale
- 2) 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. Where this happens, the transferee becomes the absolute owner.[58] A transfer of family property is proper and valid where the transfer is sanctioned by the family head and principal members of the family. A conveyance purporting to transfer family property without the consent of the family head and the principal members is void ab initio.

- 3) 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.

Whether or not a particular division is meant to be permanent or not will depend upon the circumstances of each particular case, including the attitude of the parties to the transaction, though “there is a strong presumption in family property retaining its character. Where there is partition of family property, each “partitionee” becomes an absolute owner of his or her share.

Partition may be voluntary if it is as a resulting from mutual agreement amongst members of the family to partition the family property. Partition may also be ordered by the court where interest of justice and peace demands it. For instance, where there has been a persistent refusal by the head of family or by some members of the family to allow others to enjoy their rights under native law and custom in family land