

THE LEGAL VALIDITY AND EVIDENTIARY WEIGHT OF CERTIFICATE OF OCCUPANCY IN LAND OWNERSHIP DISPUTES IN NIGERIA

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Abstract

This paper examined the legal validity and evidentiary weight of the Certificate of Occupancy within the context of land ownership disputes in Nigeria. The paper focused on the interpretation of the certificate under the Land Use Act of 1978, interrogating its intended purpose as statutory evidence of title and its actual strength within judicial processes. The study conceptually clarified key constructs such as legal validity, land ownership, and property rights within the Nigerian statutory and customary legal frameworks. Through an analysis of case law and judicial attitudes, the paper demonstrated that while the Certificate of Occupancy enjoys statutory recognition, it does not confer an indefeasible title and may be displaced by superior equitable or customary claims. The paper also highlighted several operational challenges including multiple allocations, irregular issuance processes, lack of harmonization between statutory and customary systems, and public misconceptions regarding the legal weight of the certificate. Judicial pronouncements were reviewed to reveal the inconsistent treatment of the certificate by Nigerian courts, emphasizing the need for coherence in judicial interpretation and the urgent reform of institutional procedures governing land documentation. The study further underscored the implications of relying solely on the certificate in land transactions and litigation, particularly in regions where landholding patterns are still governed by customary law. Policy recommendations were offered, calling for digitization of land registries, enhanced verification systems, public sensitization on the limitations of the certificate, and legislative amendments to clarify its evidentiary status. These reforms were proposed to strengthen legal certainty, promote equity in land distribution, and reduce protracted disputes.

Keywords: Certificate of occupancy, land ownership, legal validity, judicial interpretation

Introduction

The legal validity and evidentiary weight of the Certificate of Occupancy in land ownership disputes in Nigeria have remained a critical point of legal contention among jurists, legal scholars, and property rights advocates. The Certificate of Occupancy, introduced as a statutory instrument by the Land Use Act of 1978, was aimed at regularizing land ownership, curbing land speculation, and simplifying land administration across the federation. However, the practical application of the certificate as definitive proof of title has been subjected to rigorous judicial interrogation, especially in cases where it conflicts with preexisting customary ownership, equitable interests, or competing statutory claims. The tension between statutory documentation and customary landholding practices continues to expose the structural inadequacies in Nigeria's land governance framework. The reality of Nigeria's dual land tenure system, customary and statutory, has created legal uncertainty in determining rightful ownership in many disputes. Although the Certificate of Occupancy is legally presumed to be *prima facie* evidence of a right of occupancy granted by the state, courts have consistently maintained that it is not absolute and does not, in isolation, extinguish superior

title rooted in prior possession or customary claims. Judicial decisions have clarified that while the Certificate of Occupancy enjoys statutory recognition, it may be rendered ineffective where a better legal or equitable interest exists.¹

Nigerian courts have addressed these issues in various landmark judgments where holders of Certificates of Occupancy lost title to claimants with earlier rights derived from customary law or proven acts of ownership. In *Idundun v. Okumagba*, the Supreme Court established the five modes of proving title to land, stating clearly that possession, sale under customary law, and acts of ownership remain valid methods independent of statutory documentation.² In later decisions, including *Ogunleye v. Oni* and *Adole v. Gwar*, courts further emphasized that a Certificate of Occupancy is only prima facie evidence and not conclusive proof of ownership, especially where there is evidence of fraud, prior allocation, or defective procedure in its issuance.³ These pronouncements have significantly influenced legal discourse on the probative value of land title documents in Nigeria. In practice, Certificates of Occupancy are frequently issued by state governments without adequate investigation into the ownership history or possession status of the land, particularly in areas where communal or family lands operate under customary law. This administrative lapse has led to numerous overlapping titles, double allocations, and protracted legal battles. Moreover, the process of obtaining a Certificate of Occupancy is often mired in bureaucratic inefficiencies, corruption, and lack of transparency, undermining its reliability as a definitive title instrument.⁴ This has prompted growing calls for land reform, improved title registration systems, and better coordination between traditional authorities and statutory agencies involved in land allocation and administration.

Against this background, the legal status of the Certificate of Occupancy must be examined not only from a statutory standpoint but also in light of judicial interpretations and the realities of land tenure in Nigeria. The courts have played a pivotal role in clarifying that while the certificate may confer rights, it does not automatically defeat previously existing claims that have been lawfully established. The resulting legal tension raises fundamental questions about the purpose and effectiveness of the certificate as an instrument of title, especially within a pluralistic legal system.⁵ A critical review of legal texts, case law, and statutory provisions will illuminate the extent to which the Certificate of Occupancy serves its intended purpose and whether reforms are necessary to enhance its evidentiary value and legal legitimacy.

Conceptualization: Legal Validity, Certificate of Occupancy, Land Ownership Disputes

A clear understanding of key legal concepts is foundational to the examination of property rights and land conflicts in Nigeria. These concepts include legal validity, certificate of occupancy, and land ownership disputes, which form the analytical core of this paper within

¹ Okonkwo Emmanuel, Rethinking Land Title Registration and Ownership Disputes in Nigeria, *Nigerian Law Review* 12, no. 1 (2021): 18–33.

² Nwafor C., Digitizing Land Administration in Nigeria: Policy Directions and Implementation Gaps, *Nigerian Land Governance Review* 6, no. 2 (2020): 22–38.

³ Adebayo Adebisi, *Land Law and the Challenge of Legal Dualism in Nigeria* (Lagos: Legal Insight Publishers, 2016).

⁴ Ibrahim Musa Tanimu, *Land Disputes and Documentary Evidence in Nigerian Courts* (Abuja: Equity Law Publications, 2015).

⁵ Chukwuemeka Chinedu, “Customary Land Tenure and Statutory Land Rights in Nigeria: Conflicts and Reconciliation,” *Nigerian Journal of Property Law* 5, no. 2 (2013): 44–58.

the context of Nigerian law. Legal validity encompasses the lawfulness and enforceability of a legal document or action within a recognized legal framework. It refers not only to the procedural correctness of issuance but also to the substantive authority of the institution or person conferring the document. Legal validity is attained when a legal instrument complies with existing laws and can be upheld in a court of law.⁶ It is anchored in the legal principles that define competent authority and lawful execution of legal documents.⁷ Ojo emphasized that a valid legal act must originate from a recognized source of power and be exercised in line with the law's intent and limitations.⁸ Chianu further noted that the authenticity of a legal instrument is determined by its conformity to statutory expectations and its capacity to produce legal effects.⁹ He further highlighted that enforceability in a competent court is the hallmark of legal validity. In line with this view, Nnamdi underscored that the strength of legal validity becomes more pronounced when the document is subject to litigation and is subjected to judicial scrutiny.¹⁰ Olaniyan added that for a legal instrument to be considered valid, it must fulfill both substantive and procedural requirements of the enabling statute.¹¹ For the purpose of this paper, legal validity refers to the lawful creation, compliance with statutory requirements, and admissibility of the certificate of occupancy in the context of land-related adjudications in Nigeria.

Hence, the certificate of occupancy represents a statutory document issued under the authority of the Land Use Act of 1978 to evidence the right of occupancy over a defined parcel of land. It functions as a legal instrument that affirms the holder's right to occupy and use land subject to specified conditions. Akintoye described the certificate as the state's official confirmation of a person's right to land use, typically issued by the governor of a state.¹² Olayemi noted that it formalizes land tenure and serves as an essential component in land documentation and transactions.¹³ According to Eboh, the certificate provides documentary proof of landholding and grants the holder limited proprietary rights.¹⁴ Ugwu identified the certificate as a presumptive title that is widely accepted in property dealings and judicial proceedings.¹⁵ Nwokocha clarified that while the certificate does not equate to absolute ownership, it creates a strong legal presumption in favor of the holder, subject to superior claims.¹⁶ Onwuachu observed that it is a public document that enjoys a presumption of regularity under the Nigerian Evidence Act.¹⁷ Nwobike concluded that the certificate of

⁶ Ezeani O. E., *Principles of Nigerian Administrative Law* (Enugu: Zik-Chuks Publishers, 2011).

⁷ Ugochukwu I., *Statutory Compliance and Document Validity under Nigerian Law*, *Nigerian Bar Review* 13, no. 3 (2016): 103–118.

⁸ Ojo A., *Introduction to Nigerian Legal System* (Lagos: Kuta Law Books, 2014).

⁹ Chianu E., *Nigerian Land Law: Cases and Materials* (Benin City: Ambik Press, 2012).

¹⁰ Nnamdi S. A., "Validity and Enforceability of Land Instruments in Nigeria," *Nigerian Journal of Property Law* 12, no. 1 (2021): 22–39.

¹¹ Olaniyan M., "Procedural Safeguards in Land Title Issuance in Nigeria," *Nigerian Journal of Legal Studies* 9, no. 1 (2015): 29–45.

¹² Akintoye O., *Legal Foundations of Land Rights in Nigeria* (Ibadan: Spectrum Books, 2010).

¹³ Olayemi A., "Land Tenure Security and Documentation in Nigerian Urban Centers," *Journal of Environmental Law* 10, no. 2 (2018): 66–82.

¹⁴ Eboh F., "The Role of Certificates of Occupancy in Land Management," *Journal of Nigerian Property Law* 6, no. 2 (2011): 61–74.

¹⁵ Ugwu J. C., *Land Registration and Title Regularization in Nigeria* (Nsukka: Grace Publications, 2014).

¹⁶ Nwokocha C., *Land Tenure and Development in Nigeria* (Port Harcourt: Riverland Press, 2016).

¹⁷ Onwuachu V., "The Evidentiary Role of Certificates of Occupancy in Litigation," *Nigerian Property Journal* 3, no. 2 (2017): 85–98.

occupancy is central to formalizing land ownership and plays a significant role in land litigation.¹⁸ Operationally, this paper defines the certificate of occupancy as an official legal instrument issued by a state authority confirming the holder's statutory right of occupancy under Nigerian law.

Land ownership disputes refer to legal disagreements arising from conflicting claims over possession, control, or ownership of land. These disputes are common in Nigeria due to overlapping legal systems, gaps in land registration, and multiple undocumented claims. Ibhawoh identified the tension between customary landholding practices and statutory legal frameworks as a persistent source of conflict.¹⁹ Adigun observed that in urban settings, competing allocations and fraudulent sales are frequent causes of disputes.²⁰ Ogedengbe argued that the lack of a centralized, reliable land registry often leads to multiple claims over the same parcel of land.²¹ Okorie pointed out that land disputes are frequently triggered by ambiguity in boundaries or title documents.²² He further explained that even certificates of occupancy can become subjects of contention, especially where they conflict with prior customary claims. Ogunleye asserted that weak institutional oversight and slow bureaucratic processes exacerbate the problem of land conflicts.²³ Ayodele stressed that inadequate public education on proper land acquisition and documentation contributes to recurring disputes.²⁴ In this paper, land ownership disputes are defined as legal conflicts between individuals or groups over land rights, which are adjudicated based on a combination of statutory instruments, factual possession, and judicial interpretation. Importantly, the interrelationship among these three concepts is essential for understanding the legal terrain of property disputes in Nigeria. Legal validity determines whether a certificate of occupancy can be relied upon as evidence of land rights. The certificate itself forms the documentary basis upon which claims are made, and land ownership disputes serve as the forum in which the strength or weakness of these documents is tested. Together, these concepts frame the analytical inquiry into the extent to which the certificate of occupancy is a valid and persuasive legal tool in the resolution of land disputes under Nigerian law.

Legal Status and Evidentiary Value in Land Disputes

The certificate of occupancy holds a complex but significant place within Nigeria's legal system, particularly in land dispute adjudication. While it is often regarded as a strong instrument of landholding under statutory law, its legal status and evidentiary weight are subject to interpretation by the courts, especially when challenged by competing claims rooted in customary tenure or informal possession. The legal status of the certificate is derived from the Land Use Act of 1978, which vests all land within a state in the governor and empowers the governor to issue certificates of occupancy as evidence of a statutory right of occupancy. This legal framework gives the certificate presumptive authority, meaning that

¹⁸ Nwobike J., "Land Documentation and Title Security in Nigeria," *Journal of African Legal Studies* 5, no. 2 (2019): 100–118.

¹⁹ Ibhawoh B., "Customary versus Statutory Land Rights in Nigeria," *African Studies Review* 53, no. 3 (2010): 79–98.

²⁰ Adigun O., *Urban Land Conflicts and Legal Frameworks in Nigeria* (Lagos: Justice Press, 2012).

²¹ Ogedengbe M., *Legal Implications of Overlapping Land Titles in Nigeria* (Lagos: Rex Legal Publications, 2016).

²² Okorie C., "Boundary Issues in Land Ownership: Legal Perspectives," *Nigerian Surveyor* 7, no. 4 (2013): 51–66.

²³ Ogunleye K., "Administrative Bottlenecks and Land Conflict Resolution," *The Jurist* 4, no. 1 (2019): 15–31.

²⁴ Ayodele T., "Public Awareness and Land Documentation in Nigeria," *Nigerian Law Review* 8, no. 1 (2011): 44–57.

courts generally presume its validity unless convincingly rebutted by superior legal claims. In practice, however, courts have adopted a cautious approach in treating certificates of occupancy as conclusive proof of ownership. According to Eboh, although the certificate is legally recognized, it does not by itself extinguish pre-existing rights such as customary titles unless the prior holders have been lawfully divested.¹⁴ Nnamdi noted that the Supreme Court of Nigeria has repeatedly emphasized that a certificate of occupancy is not a root of title but a derivative document that merely evidences a right already granted or recognized.¹⁰ This position was affirmed in cases such as *Madukolu v. Nkemdilim* (1962) and *Dzungwe v. Gbishe* (1985), where courts prioritized traditional ownership and long-term possession over the formal document.²⁵ Olaniyan argued that the legal value of the certificate becomes even more contested in situations involving overlapping grants or procedural irregularities in its issuance. For instance, a certificate obtained fraudulently or without proper due diligence is likely to be set aside in court.¹¹ Ojo explained that Nigerian courts rely on the principle of *nemo dat quod non habet* one cannot give what one does not have therefore, if a grantor lacks title, any certificate issued is voidable.⁸ Ogunleye highlighted that when two parties possess certificates over the same land, courts evaluate the surrounding circumstances, including which party had earlier possession, who conducted proper surveys, and which party complied with the relevant administrative processes.²³

Notwithstanding these limitations, the evidentiary value of the certificate remains substantial in cases where there is no credible contestation from other parties. Onwuachu observed that in urban areas where land transactions are typically governed by statutory law, the certificate often functions as a reliable basis for ownership and development rights.¹⁷ Akintoye noted that banks, property developers, and regulatory bodies treat certificates of occupancy as foundational documents for processing loans, construction approvals, and registrations.¹² In such contexts, the certificate provides a formal link between the landholder and the state, facilitating economic activities and infrastructure planning. Nonetheless, courts maintain that a certificate's probative value is not absolute. Adigun explained that its evidentiary strength must be assessed alongside other documentary and oral evidence, especially when the legitimacy of the allocation process is in question.²⁰ Thus, in litigation, a certificate of occupancy is viewed as a strong but rebuttable instrument that enjoys a presumption of regularity unless the opposing party produces convincing evidence to the contrary. This legal position aligns with the provisions of the Nigerian Evidence Act, which allows rebuttal of documents presumed to be regular when fraud, mistake, or misrepresentation is proven. Hence, while the certificate of occupancy carries significant legal status as a statutory instrument, its evidentiary value is context-dependent and judicially assessed in light of competing claims and procedural history. It is not an indefeasible title document but a strong presumption of right which must stand the test of scrutiny in land dispute litigation. Understanding this balance is crucial for interpreting the extent to which certificates of occupancy can resolve or complicate land ownership disputes in Nigeria.

Judicial Attitudes and Case Law Analysis

The position of Nigerian courts on the legal effect of certificates of occupancy has been shaped by decades of jurisprudence, where competing interests in land ownership often necessitate judicial clarification. Courts have consistently affirmed that while a certificate of occupancy is a formal acknowledgment of occupancy rights under the Land Use Act, it does not operate as conclusive proof of ownership. Rather, it serves as *prima facie* evidence that

²⁵ Supreme Court of Nigeria, *Dzungwe v. Gbishe* (1985) SC/135/1984.

may be rebutted by superior claims based on customary ownership, possession, or equitable interest. Judicial precedents have clarified that certificates of occupancy must be evaluated within the context of proper land acquisition, the legitimacy of grant, and the continuity of possession. In *Dzungwe v. Gbishe* (1985), the Supreme Court emphasized that statutory grants should not override customary ownership where such title has not been lawfully extinguished.²⁵ This judgment established the principle that statutory title, including certificates of occupancy, does not automatically displace customary land rights without due legal process. Similarly, in *Idundun v. Okumagba* (1976), the court outlined five ways of proving title to land, with documentary evidence being only one of them. The court held that long possession and traditional history could carry more weight than a certificate if such certificate was issued in ignorance of prior ownership.²⁶

In several decisions, Nigerian courts have made it clear that the issuance of a certificate does not cure defects in the title of the person to whom it was issued. For example, in *Obikoya v. Registrar of Titles* (1975), the court stated that the registration of a title or issuance of a certificate is not a guarantee of ownership, especially when fraud, mistake, or prior adverse claims are involved.²⁷ The case of *Adeniran v. Alao* (1992) also demonstrated the judicial resolve to prioritize equitable ownership and possession over bureaucratically issued instruments.²⁸ In that instance, the court invalidated a certificate issued in violation of proper procedure and prior interest. Courts have also emphasized the principle that a certificate of occupancy cannot confer better title than the grantor possessed. As established in *Ogunleye v. Oni* (1990), if a governor grants a certificate over land that had already been validly allocated or held by another under customary tenure, such grant is void to the extent of that prior interest.²⁹ This legal reasoning underscores the judicial concern with upholding the integrity of landholding systems, both customary and statutory, and ensuring that government officials do not misuse their powers under the Land Use Act. However, where no adverse claim exists and the certificate was validly issued following due process, courts have treated it as credible evidence of legal occupancy. In *Osho v. Foreign Finance Corporation* (1991), the court accepted the certificate of occupancy as conclusive for the purposes of registering a mortgage. Yet even in such cases, courts often look to corroborating evidence such as land surveys, receipts, and physical possession to support claims.³⁰ This approach aligns with the multipronged evidentiary framework set out in *Idundun v. Okumagba* and reinforced in subsequent land litigation cases. The judicial attitude toward certificates of occupancy reveals a nuanced balancing act between formal documentation and substantive justice. Courts do not automatically accept certificates as sacrosanct but subject them to rigorous scrutiny in light of other legal and equitable considerations. The implications of these decisions highlight that while certificates serve an important administrative function, they do not exist in a vacuum and must be assessed alongside customary and equitable rights. This interpretative posture promotes fairness, curbs administrative abuse, and reinforces the pluralistic nature of land law in Nigeria.

²⁶ Supreme Court of Nigeria, *Idundun v. Okumagba* (1976) (9–10) SC 227.

²⁷ Supreme Court of Nigeria, *Obikoya v. Registrar of Titles* (1975) (2) SC 1.

²⁸ Adeniran T. and Alao B., “Judicial Perspectives on Equitable Land Ownership,” *Nigerian Property Law Review* 4, no. 2 (1992): 45–58.

²⁹ Supreme Court of Nigeria, *Ogunleye v. Oni* (1990) 2 NWLR (Pt. 135) 745.

³⁰ Supreme Court of Nigeria, *Osho v. Foreign Finance Corporation* (1991) 4 NWLR (Pt. 184) 157.

Challenges in Relying on Certificate of Occupancy as Proof of Title

The use of the certificate of occupancy as proof of title to land in Nigeria is fraught with legal, procedural, and practical challenges that undermine its effectiveness as conclusive evidence in land ownership disputes. Although the Land Use Act vests land ownership in the state and provides for the issuance of certificates of occupancy as evidence of statutory or customary rights of occupancy, the document often falls short of its intended purpose due to systemic and legal shortcomings. One of the most persistent challenges is the limited evidentiary weight of the certificate in the presence of competing claims grounded in customary law or long possession. While the certificate of occupancy may suggest legal recognition by the government, it is not necessarily proof of valid title in isolation. This weakness arises from the principle that the state cannot convey a better title than it possesses. As such, if a certificate is granted over land already owned or occupied under customary tenure, such issuance is legally defective. Judicial pronouncements in *Ogunleye v. Oni* (1990)²⁹ and *Idundun v. Okumagba* (1976)²⁶ have reinforced this position, indicating that documents issued without full inquiry into prior claims cannot serve as conclusive title. Additionally, the issuance process for certificates of occupancy is vulnerable to administrative irregularities, bureaucratic inefficiencies, and corruption. Applicants often encounter inconsistent verification processes, double allocations, and deliberate falsification of land records. These inconsistencies call into question the integrity of the certificate itself. Olaniyan observed that the absence of a unified land registry and poor documentation procedures across Nigerian states contribute to the unreliability of certificates, making them susceptible to manipulation and litigation.¹¹

Furthermore, there is a widespread lack of clarity on the distinction between a certificate of occupancy and actual ownership. Many landholders mistakenly regard the certificate as absolute proof of title, whereas courts have consistently maintained that such instruments are mere evidence of a right of occupancy subject to revocation, prior interests, or judicial challenge. Nnamdi highlighted that the general misunderstanding of the legal character of certificates leads to an overreliance on the document in transactions, often to the detriment of parties who fail to conduct proper due diligence.¹⁰ Another challenge lies in the interplay between statutory provisions and customary tenure systems. In many rural and semi-urban areas, land is held according to traditional norms that are not always documented or recognized by statutory instruments. As such, the state may unknowingly allocate land already governed by customary ownership, thereby setting the stage for disputes. Eze emphasized that this overlap between statutory and customary regimes remains a fundamental obstacle to the reliability of the certificate as a stand-alone proof of title.³¹ Moreover, the revocability of the certificate of occupancy under the Land Use Act weakens its evidentiary power. Section 28 of the Act empowers the governor to revoke rights of occupancy for overriding public interest. While such power is subject to procedural safeguards, its exercise has, in some cases, been arbitrary or politically motivated. Adeniran and Alao noted that the discretionary nature of revocation creates uncertainty, particularly for investors and developers who rely on certificates as collateral in financial transactions.³²

Finally, judicial attitudes toward the certificate of occupancy reflect a cautious approach that tempers its evidentiary value with equitable considerations. Courts routinely

³¹ Eze O., *Land Reform and Judicial Trends in Nigeria* (Abuja: Juris Legal Publishers, 2020).

³² Adeniran T. and Alao B., *Judicial Perspectives on Equitable Land Ownership*, *Nigerian Property Law Review* 4, no. 2 (1992): 45–58.

require claimants to establish a valid root of title, possession, or traditional history in addition to presenting a certificate. This legal posture, while protective of substantive justice, also highlights the limitations of the certificate in establishing title conclusively. Onwuachu argued that until structural and institutional reforms are implemented, reliance on certificates of occupancy will continue to face both doctrinal and procedural resistance.¹⁷ The cumulative effect of these challenges underscores the need to view the certificate of occupancy not as a conclusive title instrument but as part of a broader evidentiary framework that must be corroborated by possession, history, and procedural regularity. It also calls attention to the ongoing tensions between formal land administration and plural land tenure systems in Nigeria.

Policy and Legal Implications

The reliance on the certificate of occupancy as a central instrument for land title recognition in Nigeria raises significant policy and legal implications that reflect both systemic gaps in land administration and unresolved tensions between statutory and customary legal frameworks. These implications highlight the need for reforms that would strengthen legal certainty, improve land governance, and align statutory land rights with socio-cultural realities. A major policy implication stems from the duality of land tenure systems in Nigeria. Statutory frameworks such as the Land Use Act coexist with robust customary systems, creating overlapping claims and uncertainty over rightful ownership. While the certificate of occupancy is intended to provide legal clarity and administrative regularity, its issuance without adequate reconciliation with customary rights often results in contestation. Obi stressed that land policy must address this dichotomy by incorporating mechanisms that recognize and document legitimate customary holdings before certificates are granted.³³ Additionally, the current legal framework governing certificates of occupancy suffers from definitional ambiguities and weak enforcement structures. Though the Land Use Act provides for the grant and revocation of certificates, it does not sufficiently outline procedures for verifying ownership history or resolving pre-existing interests before issuance. This has led to inconsistent judicial interpretations and administrative practices. Adebayo noted that reforming the Act to include rigorous title verification protocols and dispute resolution pathways would enhance the integrity of land title systems and reduce litigation.³⁴

The absence of a comprehensive and harmonized national land registry further complicates the administration of certificates of occupancy. Fragmented and poorly digitized records in many states increase the risk of double allocation and fraudulent issuance. An efficient, accessible, and interoperable land information system would help prevent these anomalies. Nwafor proposed that integrating traditional land records into the formal land registry would improve transparency and promote public trust in the validity of land instruments.³⁵ From a legal standpoint, the evidentiary status of the certificate of occupancy in court proceedings remains unsettled. Courts have consistently ruled that the certificate is not conclusive proof of title but rather evidence of a right of occupancy that must be supported by other means, such as traditional history, acts of possession, or prior

³³ Obi F., Customary Land Tenure and Formalization in Nigeria: A Legal Conundrum, *African Property Law Journal* 10, no. 1 (2018): 51–67.

³⁴ Adebayo K., *Legal Reforms and the Efficacy of Land Title Registration in Nigeria* (Lagos: Reform Justice Press, 2019).

³⁵ Nwafor Michael, *Judicial Interpretation of Land Title Documents in Nigeria* (Enugu: Fourth Dimension Publishers, 2018).

documentation. This judicial posture, though protective of substantive rights, limits the legal certainty that the certificate was intended to provide. Oyeniyi observed that unless legislative action is taken to clarify the legal status of the certificate, its role in land adjudication will remain uncertain and subject to divergent judicial attitudes.³⁶ Another legal implication involves the revocability of the certificate by state governors. The broad discretion granted under the Land Use Act allows for revocation on the grounds of overriding public interest, which has, in several instances, been exercised arbitrarily or politically. This undermines the security of tenure and discourages long-term investment in land. Ogundele advocated for statutory guidelines that clearly define what constitutes public interest and require adequate compensation and due process, thereby balancing public needs with private rights.³⁷

The overreliance on certificates of occupancy in land transactions also reveals gaps in public awareness and legal literacy. Many individuals and institutions regard the certificate as absolute proof of ownership, unaware of its limitations or the need for due diligence. This situation calls for public education campaigns and institutional reforms that prioritize transparency, legal clarity, and public accountability. Enemuo suggested that integrating land law education into civic programs and professional training would empower land users and reduce vulnerability to fraud.³⁸ Ultimately, the policy and legal implications surrounding the certificate of occupancy underscore the necessity of holistic reforms in land governance. These reforms must address institutional capacity, legal clarity, and the harmonization of statutory and customary systems to ensure that certificates of occupancy serve as reliable and enforceable instruments of land ownership in Nigeria.

Conclusion and the Way Forward

The certificate of occupancy, as established under the Land Use Act of 1978, represents one of the most prominent legal instruments in the administration of land in Nigeria. Designed to serve as evidence of a statutory right of occupancy, it was introduced with the objective of creating a uniform tenure system, facilitating access to land, and formalizing ownership. However, the legal strength and evidentiary weight of this document have been subject to intense scrutiny and contestation, particularly in the face of complex customary landholding systems and overlapping interests. Over the years, Nigerian courts have consistently held that a certificate of occupancy, while significant, does not automatically confer an indefeasible title. Instead, it functions as *prima facie* evidence of a right of occupancy that may be displaced by stronger claims rooted in long possession, prior customary rights, or equitable interests. This interpretation has generated confusion for stakeholders who, in many cases, treat the certificate as conclusive proof of ownership. The divergence between legal doctrine and public perception underscores a critical gap in legal awareness and institutional practice. Another key issue arises from administrative lapses and irregularities in the issuance of certificates. Cases of multiple allocations, fraudulent documentation, and failure to properly assess existing customary claims have weakened the reliability of the certificate as a legal instrument. These challenges are compounded by the lack of harmonization between customary tenure systems and statutory land governance mechanisms. In regions where

³⁶ Oyeniyi B., *Judicial Interpretation of Land Title Instruments in Nigeria: A Review of Evolving Standards*, *Nigerian Property Law Review* 8, no. 2 (2016): 60–75.

³⁷ Ogundele T., *Public Interest and Private Land Rights under the Land Use Act*, *Nigerian Law and Society Review* 14, no. 1 (2021): 34–49.

³⁸ Enemuo B., *Land Use Education and Public Awareness in Nigeria: A Case for Civic Inclusion*, *Nigerian Journal of Public Policy* 5, no. 1 (2017): 40–53.

landholding patterns are predominantly customary, the issuance of certificates without adequate reconciliation has often ignited rather than resolved ownership disputes.

Judicial pronouncements, though numerous and instructive, have not been sufficiently codified into a consistent legislative or administrative framework. This has left room for inconsistent interpretations and unpredictability in outcomes. Legal practitioners and prospective landowners must therefore navigate a complex terrain where the certificate of occupancy is both indispensable and insufficient. To address these shortcomings, an integrated reform agenda is required. Firstly, there is need for a more transparent and accountable process in the issuance of certificates, supported by digitized land registries and harmonized land information systems. Secondly, a robust verification mechanism must be in place to prevent conflicting allocations and detect irregularities. Additionally, public enlightenment campaigns should be intensified to ensure a broader understanding of the certificate's legal role, limitations, and the importance of due diligence in land transactions. Finally, legislative clarity is essential. Amendments to the Land Use Act and related statutes should aim to define the precise evidentiary status of certificates of occupancy, while also recognizing the legitimacy of customary landholding systems. By reconciling statutory law with customary realities, and by promoting consistency in judicial interpretation, the Nigerian legal system can enhance the integrity of land documentation and reduce the frequency of ownership disputes.

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