Beyond the Certificate of Occupancy: Risk-Based Land Title Verification in Nigeria

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ABSTRACT

Land acquisition in Nigeria remains vulnerable to forged or irregular documents, multiple sales, defective roots of title, disputed customary interests and fragmented public records. A Certificate of Occupancy, registered instrument or survey plan is important evidence, but none should be treated in isolation as conclusive proof that a vendor holds a valid, subsisting and transferable interest. This article examines the legal and institutional capacity to detect title defects before acquisition, with particular reference to Rivers State and a functional comparison with England and Wales and Ghana. It adopts doctrinal and comparative legal methods and critically evaluates the limits of registry searches, documentary authentication, customary inquiries and post-acquisition remedies. It also considers existing Rivers State research on administrative barriers to land titling, while acknowledging that the present study does not claim to have conducted new interviews or generated primary registry-performance data. Its principal contribution is the proposed Nigerian Pre-Acquisition Land Title Verification Framework (NPLTVF), a seven-stage, multi-source protocol culminating in a reasoned risk classification and written acquisition recommendation. The article develops operational thresholds for suspending, curing or abandoning a transaction; safeguards for disputed customary leadership; a staged and affordable approach to digital and forensic verification; and a structured method for addressing competing purchasers. It argues that purchaser protection should move beyond document-centred reassurance and reactive litigation towards a preventive process that records uncertainty, reconciles evidence and allocates responsibility. The NPLTVF is a normative proposal requiring consultation and empirical piloting, not an existing statutory requirement or empirically validated scoring instrument.

Keywords: Defective land title; Land acquisition; Land registration; Property rights; Title verification.

INTRODUCTION

Land remains one of the most valuable economic and proprietary assets in Nigeria. Its importance extends beyond its commercial value to housing, agriculture, inheritance, industrial development and the general economic security of individuals and communities.[1] Consequently, the acquisition of land is not merely a commercial transaction but an exercise involving the transfer and protection of legally recognised proprietary interests. The security of land transactions therefore depends substantially on the ability of prospective purchasers to establish the validity, authenticity and transferability of the interest being offered for sale.[2] In Nigeria, the principal statutory framework governing landholding is the Land Use Act 1978, which vests land in

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[1] G. A. Ahiakwo and N. Abah, 'Traversing the Juridical Terrain of Land Tenure: A Doctrinal Foundation of Land Tenure Systems' (2025) 7 (3) *International Journal of Law, Policy and Social Review*, 43-53.
[2] *Badmus v Aladesanmi* (2026) LPELR-83275 (CA).

each State in the Governor, subject to the provisions of the Act, while recognising statutory and customary rights of occupancy.[3]

Despite the existence of this statutory framework, land acquisition in Nigeria continues to expose purchasers to risks associated with fraudulent documentation, multiple sales, disputed customary ownership, defective root of title, unauthorised alienation and government acquisition. These problems frequently result in financial losses, protracted litigation and, in some circumstances, the eventual loss of the property acquired. Of particular concern is the tendency of prospective purchasers to regard possession of a Certificate of Occupancy, registered deed of assignment or approved survey plan as sufficient assurance of ownership. Such an assumption is legally unsafe because the validity of a document does not necessarily establish the validity of the proprietary interest upon which it is founded. In *Orianzi v Attorney-General, Rivers State*, the Supreme Court reiterated the importance of examining the legal foundation of a claimed interest rather than treating an administrative title document as conclusive proof of ownership.[4]

Conventional title investigation, although indispensable, is not without limitations. Searches at the Lands Registry may establish the existence of registered instruments but may not necessarily disclose every competing customary interest, previous unregistered transaction, physical encroachment or dispute affecting the property. Similarly, physical inspection may establish possession and geographical boundaries without conclusively determining the legal authority of the vendor to alienate the land.[5] These limitations are particularly significant in Nigeria's pluralistic land tenure system, where statutory and customary interests coexist. The purchaser's investigation must therefore extend beyond the examination of documents to include the history of ownership, the authority of the vendor, the identity of the land, and the existence of interests capable of affecting the proposed acquisition.[6]

Nigerian scholarship has addressed the evidential value of title documents, conditions precedent to registration, the perfection of land instruments and due diligence in conveyancing. Frank-Igwe and Okara examine documentary proof of ownership; Ahiakwo and Onuoha address conditions precedent to registration; Barasua and Wireh discuss transactional due diligence; and Nwaechefu and others consider impediments to perfection with comparative reference to England. These studies are indispensable, but the questions of substantive title, documentary regularity, priority, perfection and transaction risk are not interchangeable. A registered instrument may be formally regular yet rest on a defective grant; conversely, an unperfected instrument may create legal questions different from the absence of a proprietary interest. The present article therefore does not claim to have discovered the need for due diligence. Its distinct contribution is to classify the sources and consequences of defects, specify how independently obtained evidence should be reconciled, and connect the findings to an explicit pre-completion decision rule. This distinction is especially important in differentiating the article from the author's earlier scholarship on digital land registration, conditions precedent to registration and land tenure systems.

The central problem addressed by this study is the inadequacy of fragmented title-verification procedures in providing prospective purchasers with reliable assurance concerning the validity, authenticity and transferability of land offered for sale. Although Nigerian law recognises the importance of investigating title before acquisition, the process frequently requires purchasers to obtain information from different institutions and sources without an adequately integrated mechanism for reconciling the information obtained. The problem is examined with particular reference to Rivers State, where the interaction between statutory land administration, customary landholding and property transactions provides an important context for evaluating the operation of title-verification procedures.[7]

[3] Land Use Act, Cap. L5, Laws of the Federation of Nigeria 2004, ss 1, 5 and 6
[4] (2017) 6 NWLR (Pt 1561) 224 (SC).
[5] G. A. Ahiakwo and A. Onuoha, 'Condition Precedent to Land Registration in Nigeria' (2024) 21 (3) *Journal of Private and Property Law-Rivers State University Law Journal*, 192-210.
[6] *Imana v Robinson* (1979) 3–4 SC 1.
[7] U. Frank-Igwe and C. I. G. Agwor, 'A Critical Analysis of Alienation of Land Under Nigerian Law' (2026) 24 (1) *Journal of Private and Property Law-Rivers State University*, 65 -78.

The aim of this study is to critically examine the legal and institutional framework for detecting defective land titles before acquisition in Nigeria and develop a risk-based verification framework capable of strengthening purchaser protection. Specifically, it examines the nature and classifications of defective titles, evaluates existing verification procedures, analyses relevant judicial decisions, compares the Nigerian framework with those of England and Wales and Ghana, and proposes appropriate legislative, administrative and professional reforms.

The study is guided by five questions. What constitutes a defective land title under Nigerian law? To what extent do existing legal and institutional mechanisms enable prospective purchasers to identify defects before acquisition? What limitations affect conventional title investigation in Rivers State? What lessons can Nigeria draw from the registration and conveyancing systems of England and Wales and Ghana? How can an integrated and risk-sensitive verification framework be developed to improve the security of land transactions?

This study adopts a doctrinal legal method, examining constitutional and statutory provisions, judicial decisions and relevant scholarship. Its comparative method is functional and problem-centred: it asks how three legal systems reveal, record, prioritise and respond to adverse interests before a buyer completes an acquisition. England and Wales are selected for their developed registered-title and priority framework under the Land Registration Act 2002; Ghana is selected because its Land Act 2020 operates in a setting where formal administration and customary interests interact. These jurisdictions are not treated as interchangeable models. The comparison considers their legal structures, institutional capacity and the limits of transplantation into the Land Use Act regime. Rivers State serves as a focused Nigerian context, not as the basis for unsupported empirical generalisations. The article does not claim to report interviews, field observations or quantitative validation of its proposed risk categories.

The article's original contribution is the Nigerian Pre-Acquisition Land Title Verification Framework (NPLTVF), a proposed seven-stage protocol integrating vendor-capacity assessment, root-of-title reconstruction, document authentication, institutional searches, cadastral and physical verification, customary and third-party inquiries, and a consolidated risk opinion. The framework adds to existing doctrinal scholarship by specifying what each inquiry can establish, the evidence required to corroborate its result, the consequences of conflicting information and the circumstances in which completion should be suspended or rejected. It is intended to be tested and refined through professional guidance, administrative pilots and subsequent empirical research, rather than presented as a validated scoring instrument.

The contribution also has a defined boundary. Earlier writing by the author on digital land registration and conditions precedent to registration addresses adjacent questions of administrative formality and perfection. This article instead concerns the ex ante identification, weighting and resolution of risks before consideration is irrevocably committed.

Conceptual And Theoretical Foundations Of Pre-Acquisition Title Verification

The examination of defective land titles requires an understanding of the legal concepts that determine the existence, validity, transferability and protection of proprietary interests in land. These concepts provide the foundation for distinguishing genuine ownership from apparent ownership and identifying circumstances in which a purchaser may acquire an interest that is legally vulnerable. The discussion also draws upon theoretical perspectives concerning legal certainty, property rights protection and institutional accountability. These perspectives are particularly relevant because the security of land transactions depends not only on the rights recognised by law but also on the reliability of the institutions responsible for recording, verifying and protecting those rights.

2.1 Concept of Land Title and Proprietary Interests under Nigerian Law

The concept of land title originates from the broader legal principles governing ownership, possession and the recognition of proprietary interests. In common-law property jurisprudence, title refers to the legal basis upon which a person claims ownership or another recognised interest in property. It may arise through original acquisition, customary grant, inheritance, purchase, gift or other legally recognised means. The concept is not

restricted to the possession of a document; rather, the document constitutes evidence of the underlying proprietary interest where its execution, authenticity and legal effect have been established.

In Nigeria, the concept of land title must be understood within the country's pluralistic land tenure system. Before the enactment of the Land Use Act 1978, landholding was substantially regulated through customary law, received English law and applicable local legislation. The Land Use Act introduced a statutory framework for land administration while preserving existing interests, subject to its provisions. Sections 5 and 6 provide for statutory and customary rights of occupancy, respectively.

In *Idundun v Okumagba*, the Supreme Court identified five recognised methods of proving title to land: traditional evidence; production of documents of title duly authenticated; acts of ownership extending over a sufficient period; long possession and enjoyment; and possession of connected or adjacent land in circumstances suggesting ownership of the disputed property.[8] These principles demonstrate that title is a substantive legal interest that must be established through appropriate evidence.

Frank-Igwe and Okara, in their examination of documentary proof of ownership in Nigeria, emphasise the importance of evaluating documents of title rather than treating their production as conclusive proof of ownership.[9] This position is particularly relevant because a prospective purchaser must establish not merely that the vendor possesses a document but that the document derives from a valid proprietary foundation.

Ahiakwo and Onuoha similarly examine the preliminary conditions that should precede land registration, emphasising the need to establish the identity of the legal owner, investigate previous registered interests and identify the persons authorised to represent family or communal landholding interests.[10] Their analysis is particularly relevant to the present study because it demonstrates that registration should follow adequate investigation rather than operate as a substitute for it.

Accordingly, land title under this study refers to the legally recognised interest upon which a vendor relies to transfer land to a prospective purchaser. The investigation must establish the nature of that interest, its origin, the vendor's authority to alienate it and its freedom from legally significant competing claims.

2.2 Meaning and Classifications of Defective Land Titles

The expression ‘defective title’ is derived from the broader common-law concept of defective or imperfect proprietary entitlement. In conveyancing practice, a title is defective where a material legal irregularity affects the validity, enforceability, transferability or priority of the interest being conveyed.[11]

For the purpose of this study, a defective land title is defined as a purported proprietary interest in land whose legal foundation, documentation, authority, registration or transferability is impaired by a defect capable of exposing the purchaser to competing claims, invalidation or loss of the acquired interest. The concept must be distinguished from mere documentary irregularity. A document may contain an administrative error that is capable of correction without invalidating the underlying interest. Conversely, a document may appear perfectly regular but derive from a fundamentally defective root of title.

Defective titles may be classified according to the nature and source of the irregularity. Defects of origin arise where the vendor’s proprietary interest derives from an invalid grant, an unauthorised customary allocation or a transaction involving a person who had no transferable interest.[12] Documentary defects include forged certificates of occupancy, falsified deeds, altered survey plans, improperly executed conveyances and

[8] *Idundun v Okumagba* (1976) 9–10 SC 227; *Piaro v Tenalo* (1976) 12 SC 31.
[9] U. Frank-Igwe and P. C Okara, 'Proof of Ownership of Land in Nigeria by Documents of Title: A Critical Analysis' (2018) 2 University of Port Harcourt Journal of Private Law.
[10] G.A Ahiakwo and A Onuoha, 'Condition Precedent to Land Registration in Nigeria' (2024) Journal of Private and Property Law, Rivers State University, Special Edition.
[11] Cornell Law School, Legal Information Institute, ‘Defective Title’ (Wex, October 2022) https://www.law.cornell.edu/wex/defective_title accessed 6 November 2026.
[12] E. Chianu, *Law of Sale of Land* (LawLords Publications, Abuja, 2009).

questionable powers of attorney. Defects of authority arise where an individual purporting to sell family, communal, or corporate land lacks the necessary authority or fails to comply with applicable customary or statutory requirements.[13] In *Edosa v Ehimwenma*, the Supreme Court held that a party cannot validly sell or transfer ownership or title to a piece of land which he did not have lawful authority to effect the transfer.[14]

Competing proprietary interests arise where the same land has previously been sold, leased, mortgaged or otherwise encumbered in favour of different persons. Regulatory defects involve non-compliance with applicable statutory requirements, including obtaining requisite consent or approval. Cadastral defects concern discrepancies in boundaries, overlapping survey plans, inaccurate coordinates and encroachment. Administrative defects concern incomplete, inconsistent or inaccurate public land records that may prevent a purchaser from obtaining reliable information.

The importance of this classification lies in the fact that the method of detecting one category of defect may not be sufficient to identify another. A registry search, for instance, may disclose a registered mortgage but may not establish whether the family head who purported to sell customary family land possessed the requisite authority. Barasua and Wireh's analysis of due diligence in Nigerian land transactions recognises that defective documentation, multiple sales and registration deficiencies remain important sources of transactional uncertainty.[15] However, the present study extends the discussion by organising these risks into a classification that can guide a purchaser's investigation before completion.

2.3 Distinction between Defective Title, Unperfected Title and Unregistered Instruments

The distinction between defective title, unperfected title and unregistered instruments is essential to the proper understanding of land transactions in Nigeria. A defective title is one affected by a substantive legal problem concerning the existence or validity of the proprietary interest. For instance, where a vendor purports to transfer land acquired from a person who had no title, the defect may affect the entire chain of ownership.

An unperfected title, however, generally refers to an interest in respect of which legally required completion procedures remain outstanding. Depending on the transaction, these may include obtaining the Governor's consent, stamping, registration, or other statutory approvals.

An unregistered instrument refers to a document affecting an interest in land that has not been registered in accordance with the applicable registration legislation. The legal consequences depend on the nature of the instrument, the applicable law and the purpose for which it is tendered.

In *Savannah Bank (Nig) Ltd v Ajilo*, the Supreme Court considered the statutory consequences of failure to obtain the Governor's consent in a mortgage transaction under the Land Use Act.[16] The decision illustrates the importance of distinguishing substantive ownership from statutory requirements governing alienation. Registration should not automatically be equated with validation of every underlying transaction. An instrument may be registered notwithstanding a defect in the authority of the grantor or the existence of an earlier competing interest. Equally, failure to register an otherwise valid transaction may affect its legal effect, priority or admissibility depending on the applicable legislation.

The distinction is important because purchasers should not automatically reject every unregistered interest as invalid or assume that every registered instrument establishes an impeccable title. The legal effect of the particular irregularity must first be determined.

[13] A. M. Olong, *Land Law in Nigeria* (2nd edn, Malthouse Press Limited, Lagos, 2011).
[14] (2022) LPELR-56869 (SC).
[15] T. Barasua and PC Wireh, 'Due Diligence in Land Transactions in Nigeria: Legal Issues, Challenges, and Comparative Insights' (2025) 23(1) Journal of Private and Property Law, Rivers State University.
[16] (1989) 1 NWLR (Pt 97) 305.

2.4 The Concept of Marketable Title and Security of Land Transactions

The concept of marketable title developed within common-law conveyancing jurisprudence as a means of determining whether the interest offered by a vendor is sufficiently sound to be transferred without exposing the purchaser to reasonable and substantial legal objections. A marketable title is generally understood as a title that is free from reasonable doubt and capable of being accepted by a prudent purchaser following appropriate investigation. It does not necessarily mean that the property is immune from every conceivable claim. Rather, it means that there is no material defect that would reasonably prevent the purchaser from accepting the title.[17]

The concept is particularly significant in Nigeria because possession of a Certificate of Occupancy is sometimes treated in commercial practice as sufficient assurance of ownership.[18] Such an approach is legally unsafe. The validity of the underlying grant, the root of title and the circumstances of subsequent transactions remain relevant.

The comparative position in England and Wales provides a useful illustration of the relationship between registration and marketable title. Under the Land Registration Act 2002, the register provides information concerning registered estates, proprietorship and certain interests affecting land. Sections 27 and 29 address registrable dispositions and priority, while sections 32 and 33 address notices and interests that may or may not be protected by such entries.[19]

Ghana's Land Act 2020 also provides a useful framework for examining the relationship between good title, customary interests, and registration. Section 64 addresses good title, while sections 83–139 establish detailed provisions governing title registration, the register, provisional registration, conflicting claims, searches, and the legal effect of registration.[20]

For Nigeria, marketability should therefore be assessed through a comprehensive investigation of the vendor's proprietary interest, the legal requirements governing transfer and the existence of adverse interests.

2.5 The Doctrine of *Caveat Emptor* and the Purchaser's Duty to Investigate Title

The doctrine of *caveat emptor*, meaning 'let the buyer beware', is a common-law principle traditionally associated with the purchaser's responsibility to exercise reasonable care before completing a transaction. In land transactions, the doctrine places considerable importance on the purchaser's investigation of the vendor's title. A purchaser is expected to establish that the person offering the property possesses the legal capacity and authority to transfer the interest being acquired.

However, the doctrine does not operate in isolation from the vendor's obligations concerning misrepresentation, fraud and material non-disclosure. A vendor cannot rely on the purchaser's duty of investigation as a general justification for fraudulent concealment or deliberate misrepresentation.

In *Imana v Robinson*, the Supreme Court recognised the importance of investigating the vendor's title beyond mere physical inspection of the land.[21] The decision underscores the fact that material defects may be concealed within documents, ownership history and other circumstances surrounding the transaction. The purchaser's responsibility must therefore be understood as an obligation to undertake reasonable and appropriate investigation rather than an expectation that the purchaser should independently discover every concealed irregularity.

For the present research, the doctrine provides the foundation for examining whether existing verification procedures enable purchasers to discharge their investigative responsibilities effectively. The argument

[17] B. O. Nwabueze, *Nigerian Land Law* (Nwamife Publishers, 1972), 34.
[18] *Odum v Chinwo* (1978) LPELR-2241 (SC).
[19] Land Registration Act 2002 (England and Wales), ss 27, 29, 32 and 33.
[20] Land Act 2020 (Act 1036) (Ghana), ss 64, 83–139.
[21] (1979) 3–4 SC 1.

advanced is that the law should complement the purchaser's duty with reliable public records, accessible institutional information and professional verification standards.

2.6 Theoretical Framework: Legal Certainty, Property Rights Protection and Institutional Accountability

The theoretical framework of this study rests on three complementary perspectives. Legal certainty theory is associated with the requirement that laws, legal procedures and institutional decisions should provide reasonable predictability, consistency and accessibility. Its intellectual foundations are traceable to the broader jurisprudential writings of Lon Fuller on the internal morality of law and Joseph Raz on the rule of law. Fuller's argument concerning the conditions necessary for a functioning legal order highlights the importance of clarity, consistency, and congruence between announced rules and their administration.[22]

Applied to land transactions, legal certainty requires that prospective purchasers should be able to obtain reliable information concerning ownership, competing interests and restrictions affecting the land. Where different public records produce conflicting information or material interests remain undisclosed, the purchaser's ability to rely on the legal system is weakened. This theory therefore supports the article's argument for integrated land information systems and standardised title-verification procedures.

Property rights theory provides the second foundation. It is associated with broader legal and economic scholarship concerning the recognition, protection and enforcement of proprietary interests. Soto's work on the relationship between property rights, formalisation and economic development is particularly relevant. He argues that effective recognition and documentation of property rights can facilitate economic participation and investment.[23] However, formal documentation must not be confused with substantive validity. A system that merely issues documents without adequately investigating competing claims may create an appearance of security while leaving genuine proprietary interests vulnerable. The theory therefore supports the need to balance purchaser protection with the protection of existing owners, families and communities whose interests may not be adequately reflected in formal records.

Institutional accountability provides the third analytical foundation. Accountability scholarship, including the work of Mark Bovens, examines the relationships through which public actors are required to explain and justify their conduct and may face scrutiny or consequences. Applied cautiously to land administration, the concept requires more than a general appeal to better governance: the Lands Registry, survey and planning authorities, and professional advisers must have identifiable functions, auditable procedures, reasons for decisions, and mechanisms for correcting errors. This is an analytical application of accountability theory, not an assertion that a single scholar devised a binding theory of Nigerian conveyancing.

The Lands Registry, survey authorities, planning departments and legal practitioners perform complementary functions in the verification process. Weaknesses in one institution may undermine the effectiveness of the entire system. This theoretical perspective supports the argument that land-title verification should be an institutional responsibility supported by enforceable professional standards rather than an isolated burden placed entirely on individual purchasers.

Taken together, the three theories provide a coherent analytical foundation. Legal certainty explains the need for reliable information; property rights theory explains the importance of protecting legitimate proprietary interests; and institutional accountability explains the responsibilities of the agencies and professionals entrusted with administering the system.

The three perspectives are used as evaluative tests throughout the article. Legal certainty asks whether the purchaser can discover a legally meaningful and reasonably predictable answer; property-rights protection asks whether verification protects both the buyer and persons holding prior or customary interests; institutional

[22] Lon L Fuller, *The Morality of Law* (rev edn, Yale University Press 1969); Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford University Press 1979).
[23] Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (Basic Books, 2000), 21.

accountability asks which actor must verify, explain, correct, or bear responsibility for defective information. A proposal that increases the number of documents without resolving contradictions fails the first test; one that suppresses unregistered customary claims fails the second; and one that leaves responsibility diffuse fails the third.

3.0 The Legal And Institutional Framework Governing Land-Title Verification In Nigeria

The legal framework governing land-title verification in Nigeria consists of constitutional provisions, federal legislation, applicable state laws, judicial decisions and administrative procedures. These sources collectively regulate the creation, recognition, transfer, registration and protection of proprietary interests in land. However, the effectiveness of the framework depends on the extent to which the relevant institutions maintain reliable records and provide prospective purchasers with accessible information.

Although the Land Use Act 1978 provides the principal statutory foundation, land administration and registration are substantially implemented through state institutions and applicable state legislation. The resulting arrangement makes institutional coordination particularly important. This section examines the principal legal provisions and evaluates their practical relevance to the detection of defective titles.

3.1 The Constitutional Framework for Property Acquisition and Protection

The Constitution of the Federal Republic of Nigeria 1999 provides the fundamental framework for property ownership and protection.[24] Section 43 guarantees every Nigerian citizen the right to acquire and own immovable property anywhere in Nigeria. Section 44 protects against compulsory acquisition except in accordance with law and subject to the applicable constitutional requirements.

These provisions establish the constitutional importance of proprietary interests. However, the constitutional right to acquire property does not dispense with the requirement that a prospective purchaser should establish the vendor's legal authority to transfer the interest being acquired. Section 44 is particularly relevant where land offered for sale may be subject to government acquisition. A purchaser must establish whether the land has been lawfully acquired, whether the acquisition has been revoked and whether the vendor retains a transferable interest. The constitutional framework therefore provides the foundation for protecting property rights while recognising that the acquisition and transfer of land must comply with applicable statutory requirements.

3.2 The Land Use Act 1978 and the Nature of Statutory and Customary Rights of Occupancy

The Land Use Act 1978 was enacted as a major reform of Nigeria's land tenure system. Its principal objective was to establish a uniform framework for land administration and make land available for development in the public interest.[25] Section 1 vests all land in each State in the Governor, subject to the provisions of the Act, to be held in trust and administered for the use and common benefit of Nigerians. Sections 5 and 6 provide for statutory and customary rights of occupancy. Section 5 empowers the Governor to grant statutory rights of occupancy in respect of land in urban areas, while section 6 provides for the grant of customary rights of occupancy by local governments in respect of land outside urban areas, subject to the provisions of the Act.

Sections 21 and 22 regulate the alienation of customary and statutory rights of occupancy respectively. Section 26 addresses the invalidity of transactions or instruments purporting to confer rights otherwise than in accordance with the Act. These provisions are central to pre-acquisition investigation because they determine the nature of the interest being transferred and the statutory conditions governing its alienation.

However, the enactment of the Land Use Act has not eliminated land disputes or administrative weaknesses. The existence of a uniform statutory framework does not automatically guarantee accurate records, effective monitoring or reliable verification procedures. A more practical system requires stronger coordination between

[24] The Constitution of the Federal Republic of Nigeria 1999, (as amended), ss 43-44. (CFRN).
[25] Land Use Act, Cap L5, Laws of the Federation of Nigeria 2004, ss 1, 5, 6, 21, 22 and 26.

the Governor's Office, local governments, the Lands Registry, survey authorities, and other institutions involved in land administration.

3.3 The Legal Implications of Certificates of Occupancy

A Certificate of Occupancy is an important instrument under the Land Use Act. Sections 9 and 10 address the issuance and evidential significance of certificates relating to rights of occupancy. However, a Certificate of Occupancy should not be regarded as an automatic guarantee of indefeasible ownership.

The Supreme Court has repeatedly emphasised that the legal validity of a claimed interest must be examined in relation to its underlying foundation. In *Orianzi v Attorney-General, Rivers State*, the Court considered the legal implications of competing claims and the validity of the interest upon which the relevant title document was founded.[26]

Similarly, in *Otukpo v John*, the Supreme Court recognised that a Certificate of Occupancy does not automatically defeat a superior pre-existing title.[27] Also in *Jega v Ekpenyong,* the Supreme Court considered competing claims to land in Abuja arising from different rights of occupancy. The decision reinforces the principle that a subsequent grant cannot defeat an earlier valid grant over the same land.[28] It also emphasises that possession cannot cure a fundamentally defective root of title. These authorities reinforce the importance of investigating the root of title rather than relying exclusively on the existence of an administrative document.

For prospective purchasers, the implication is clear: the authenticity of the Certificate of Occupancy must be established, but the investigation should also extend to the identity of the original grantee, the root of title, the history of the property and any existing competing interests.[29]

3.4 Governor's Consent and the Legal Requirements for Alienation of Statutory Rights of Occupancy

Section 22 of the Land Use Act requires the Governor's consent for the assignment, mortgage or sublease of a statutory right of occupancy. Section 21 addresses the alienation of customary rights of occupancy and identifies the relevant approval requirements. These provisions are significant because a transaction may be affected by failure to obtain the legally required consent or approval. In *Savannah Bank (Nig) Ltd v Ajilo*, the Supreme Court examined the statutory consequences of failure to obtain the Governor's consent in relation to a mortgage.[30]

The decision demonstrates the importance of establishing whether the proposed transaction complies with the statutory requirements governing alienation. However, the purchaser must distinguish between the existence of a substantive proprietary interest and compliance with the procedures required for its transfer. A title investigation should identify outstanding consent requirements before completion and ensure that the transaction is structured in accordance with the applicable law.

3.5 State Land Registration and Land Administration Laws

Although the Land Use Act establishes the principal framework, state legislation and administrative procedures are important to the operation of land registration. Rivers State is therefore an appropriate case study for examining the practical operation of title-verification procedures. Rivers State has a Land Instruments Registration Law.[31] This law makes it mandatory for any interest in land to be documented by a legal expert and the deed to be registered in the Land Registry.

[26] (2017) 6 NWLR (Pt 1561) 224 (SC).
[27] (2012) 7 NWLR (Pt 1299) 357 (SC).
[28] 2025), SC/349/2019, Supreme Court, judgment delivered 31 January 2025.
[29] G. A. Ahiakwo, 'Land Title Perfection and Legal Issues and Challenges of Land Registration in Nigeria' (2023) 7 (2) *International Journal of Research and Innovation in Social Science*, 899-916.
[30] (1989) 1 NWLR (Pt 97) 305.
[31] Land Instruments (Preparation and Registration) Law, 1999, Laws of Rivers State.

An important consideration is that registration requirements and administrative procedures may differ across Nigerian states.[32] Consequently, a verification procedure that is legally sufficient in one jurisdiction may not necessarily satisfy the requirements applicable in another. The study advocates the development of minimum national standards for pre-acquisition verification while preserving the constitutional and legislative responsibilities of state institutions.

3.6 The Role of the Lands Registry in Title Verification

The Lands Registry performs an essential role in maintaining records of interests and instruments affecting land. A prospective purchaser ordinarily needs to establish whether the vendor's interest has been registered, whether there are prior conveyances, whether the property is subject to a mortgage or other encumbrance and whether any relevant restriction or adverse interest has been recorded. However, the mere existence of a registration system does not guarantee that all competing interests will be disclosed. The registry may not contain information concerning every customary grant, unregistered transaction, pending dispute or physical encroachment.

This limitation demonstrates the need for a multi-source verification system. Registry searches should be complemented by examination of the root of title, cadastral verification, physical inspection and inquiries into customary ownership. The article therefore proposes that land registries should gradually move towards interoperable electronic records capable of linking title information with survey data, acquisition records, encumbrances and relevant court orders.

3.7 The Role of Surveyors, Town-Planning Authorities and Geographical Information Systems

Surveyors play an essential role in identifying the geographical boundaries and physical extent of land. The importance of survey verification is particularly evident where competing vendors present different plans purporting to cover the same parcel of land.[33]

However, a survey plan establishes geographical information rather than conclusively proving legal ownership. A surveyor may establish that a parcel occupies a specified geographical location, but the question of who possesses the legally recognised interest in that parcel requires further investigation. Town-planning authorities also play an important role in identifying planning restrictions, approved land uses, development limitations, road reservations and other public planning interests.[34]

Geographical Information Systems provide opportunities for integrating cadastral information with land registration and administrative records. [35] Properly maintained GIS databases can assist in identifying overlapping coordinates, encroachment, and discrepancies between the land described in title documents and the parcel physically inspected. The research therefore recommends stronger institutional coordination among survey authorities, planning departments and land registries.

3.8 The Legal Responsibilities of Legal Practitioners in Investigating Title

Legal practitioners occupy a central position in land transactions because they are ordinarily responsible for investigating the vendor's title, advising purchasers on legal risks and preparing the instruments necessary to complete the transaction. Their responsibility extends beyond the preparation of a deed of assignment. A competent conveyancing practitioner should investigate the vendor's root of title, examine relevant documents, conduct appropriate searches, identify encumbrances and advise the purchaser on outstanding legal requirements.

[32] G. A. Ahiakwo and M. E. Akari, 'Land Registration Procedures in Some States in Nigeria and other Jurisdictions' (2025) 11 (6) International Journal of Law, 63-71.
[33] Surveyors Registration Council of Nigeria Act, Cap S18, Laws of the Federation of Nigeria 2004.
[34] O. A. Oyedele, 'Identity, Identification and Survey Plan in Land Litigation in Nigeria' (2021) 8(1) *Nnamdi Azikiwe University Journal of Commercial and Property Law,* 54, 60.
[35] A. Didigwu & O. Olakanmi, "The Importance of Cadastral Survey Information for Effective Land Administration in Nigeria", International Journal of Environment and Pollution Research, 4(1), (2016), pp. 12-13

The Rules of Professional Conduct for Legal Practitioners 2023 provide the professional framework governing the conduct of Nigerian lawyers. The Legal Practitioners Act also regulates the profession.[36] Although a lawyer cannot guarantee the absolute absence of every concealed defect, failure to undertake reasonable investigations appropriate to the circumstances may raise questions of professional negligence and breach of duty.

The study therefore advocates a more structured professional standard requiring written pre-acquisition title-verification reports for significant land transactions. Such reports should identify the documents examined, searches conducted, persons consulted, defects discovered, unresolved risks and the practitioner's recommendation concerning completion.

4.0 Identifying And Detecting Defective Land Titles Before Purchase: A Critical Examination

The identification of defective land titles before acquisition constitutes the central concern of this study. While Nigerian law recognises different methods of proving ownership and provides mechanisms for registering interests in land, the practical challenge confronting purchasers is how to determine whether a vendor possesses an interest that is legally valid and transferable. This challenge is intensified by the fact that defects may arise at different stages of the ownership history and may not be apparent from the documents presented during negotiations.

The investigation of title should therefore be understood as a cumulative process involving documentary examination, verification of the root of title, institutional searches, cadastral investigation, physical inspection and inquiries into the authority of persons claiming ownership. No single procedure should ordinarily be treated as conclusive where the nature of the transaction or circumstances surrounding the land suggest the possibility of competing interests.

4.1 Detection of Forged and Falsified Title Documents

Forgery and falsification of title documents constitute serious threats to the security of land transactions in Nigeria. They involve the creation, alteration or use of documents intended to misrepresent the existence or extent of a proprietary interest.[37] Such documents may include Certificates of Occupancy, deeds of assignment, powers of attorney, customary allocation documents, survey plans and letters of allocation. The difficulty confronting prospective purchasers is that forged documents may appear regular and may contain official stamps, signatures, registration numbers and other features intended to create an appearance of authenticity. Consequently, visual examination alone is insufficient to establish the genuineness of a title document.

A proper investigation should involve independent confirmation from the institution purportedly responsible for issuing or registering the document. Where a Certificate of Occupancy is presented, the purchaser's legal practitioner should establish whether the certificate was actually issued by the relevant authority, whether the particulars correspond with official records and whether the identified parcel is the same land being offered for sale. The same principle applies to deeds of assignment and powers of attorney. Their execution should be examined to establish the identity and capacity of the parties, the authority of the grantor, the authenticity of signatures, and the existence of any relevant registration particulars.[38]

The evidential principles governing the proof of documents under the Evidence Act 2011 are also relevant. Sections 85–90 address documentary evidence and the proof of public documents, while section 104 provides for the certification of public documents. Section 84 becomes relevant where electronic records are relied upon. In *Alao v African Continental Bank Ltd*, the Supreme Court considered issues relating to the proof and evidential

[36] Legal Practitioners Act, Cap. L11, Laws of the Federation of Nigeria 2004, s 12(4); Rules of Professional Conduct for Legal Practitioners 2023, SI No. 32, Federal Republic of Nigeria Official Gazette No. 103, vol. 110, 6 June 2023, B725–771.
[37] Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004, ss 465, 467(2)(d)–(e) and 468
[38] *Ogah v Ikpeazu* (2017) 5-6 SC (Pt1); *Min, FCT v United Power and Energy System* (2022) LCN/17108 CA.

treatment of documents.[39] The general implication is that a document should not be accepted merely because it has been presented by a party claiming an interest in the property, but it must be verified.

The article proposes that forensic verification should become an important component of pre-acquisition investigation where material discrepancies arise. This may involve examining paper characteristics, signatures, seals, electronic metadata, official issuance records and registration particulars. Where a document appears suspicious, completion should be suspended pending independent verification.

The relevant distinction is between a document that is merely irregular and one that is forged. An irregularity may be capable of correction, whereas a forged instrument cannot ordinarily confer a valid interest merely by being presented or registered. A purchaser who discovers a credible indication of forgery should therefore avoid proceeding on the assumption that subsequent registration will cure the defect.

4.2 Verification of the Vendor's Root of Title and Chain of Ownership

Investigation of the root of title is arguably the most fundamental aspect of pre-acquisition verification. The root of title refers to the original or legally sufficient basis upon which the vendor claims the proprietary interest being offered for sale. Where the root is defective, subsequent transactions may be incapable of conferring a better title than that possessed by the original transferor, subject to applicable statutory and equitable exceptions.[40]

The principle is consistent with the established rule that a person cannot ordinarily transfer an interest greater than the one legally possessed. The purchaser must therefore investigate how the vendor acquired the land and whether the acquisition was valid. In *Idundun v Okumagba*, the Supreme Court recognised documentary title and traditional evidence among the accepted methods of proving ownership.[41] The decision demonstrates that the examination of title documents must be connected to the substantive evidence supporting ownership.

Where the vendor claims through a deed of assignment, the purchaser should examine the preceding conveyance and determine whether the person who executed it possessed a valid interest. Where the vendor claims through inheritance, the investigation should establish the identity of the deceased owner, the applicable succession arrangements and the authority of the persons administering the estate. Where the land derives from a customary grant, the investigation should establish the identity of the recognised land-owning family or community, the customary basis of the grant and the authority of the persons who made it.

The investigation should not be confined to the immediately preceding transaction. Depending on the nature of the title and the applicable law, the purchaser may need to trace ownership through earlier transactions to a sufficiently reliable root. In *Fashoro v Beyioku*, the Supreme Court emphasised the significance of establishing the foundation of a claimed title.[42] Similarly, the principles in *Idundun v Okumagba* demonstrate that the court will not treat the mere assertion of ownership as sufficient proof.

A significant difficulty arises where the vendor relies on a Certificate of Occupancy issued over land that was previously subject to another person's valid proprietary interest. In such circumstances, the purchaser must establish the circumstances surrounding the original grant and whether the authority issuing the certificate possessed the legal power to grant the interest in question. In *Taan v SCOA (Nig.) Plc,*[43] the dispute concerned a claim of joint ownership of land based on an unregistered Deed of Agreement dated 25 May 1983. The Supreme Court held that an unregistered registrable land instrument is generally inadmissible to prove legal title to land, although it may be admitted for a limited purpose, such as proving payment of purchase money, where properly pleaded. The Court further recognised that an unregistered instrument may support an equitable interest where

[39] (2000) 9 NWLR (Pt 672) 264.
[40] G. A. Ahiakwo, 'Land Title Perfection and Legal Issues and Challenges of Land Registration in Nigeria' (2023) 7 (2) *International Journal of Research and Innovation in Social Science*, 899-916.
[41] (1976) 9–10 SC 227.
[42] (1988) 2 NWLR (Pt 76) 263.
[43] (2025) 6 NWLR (Pt 1985) 1 (SC).

payment of the purchase price and possession are established. The decision emphasises the importance of proper execution, stamping and registration of land instruments and clarifies the evidential distinction between legal and equitable interests in land.

The article therefore proposes that every substantial land transaction should be preceded by a documented root-of-title investigation. The investigation should identify the original source of the interest, subsequent dealings, relevant consents, registrations, and any material interruption in the chain of ownership.

4.3 Detection of Multiple Sales and Competing Proprietary Interests

Multiple sales occur where the same parcel of land is purportedly transferred to more than one purchaser. The practice creates uncertainty concerning ownership and frequently results in competing claims, litigation and financial losses. Multiple sales may arise from deliberate fraud, poor record-keeping, family disputes, unauthorised dealings or the absence of effective registration and disclosure procedures.[44]

A purchaser should not assume that the fact that a vendor has physical possession of the land means that the property has never been sold. Equally, the existence of a deed of assignment does not necessarily establish that the transaction represents the first or only alienation.[45] The investigation should include searches at the relevant Lands Registry, examination of previous instruments, inquiries concerning earlier purchasers and physical inspection of the property. Where the vendor claims to have acquired the property from a family or community, the purchaser should also establish whether any previous grants were made over the same parcel.

The doctrine governing competing interests in land is particularly relevant. In *Ogunbambi v Abowaba*, the West African Court of Appeal examined competing claims arising from transactions affecting land.[46] The principles governing priority, notice and the circumstances of competing conveyances remain important to Nigerian conveyancing practice. The purchaser's position may also be affected by the distinction between legal and equitable interests. A prior equitable interest may be relevant even where the later purchaser obtains a formal conveyance, particularly where the purchaser has notice of the earlier interest or fails to satisfy applicable legal requirements for protection.

The investigation of multiple sales should therefore involve more than a search for registered instruments. It should include inquiries from occupants, adjoining landowners, and relevant community representatives, particularly where the property has a history of customary ownership.

The proposed framework recommends that registry searches should be supplemented by a declaration from the vendor disclosing previous sales, grants, mortgages, leases, litigation, and other dealings affecting the property. Such a declaration should be supported by appropriate contractual warranties and indemnities.

4.4 Verification of Family and Communal Land Ownership and the Authority of Persons Executing the Sale

Family and communal land transactions require particular attention because ownership and management may be governed by customary law. The existence of a person who claims to be the family head or community representative does not automatically establish that the person possesses authority to alienate the property. The purchaser must establish the identity of the land-owning family or community, the customary basis of ownership, the relevant leadership structure and the authority required for a valid alienation.[47]

Under customary law, the authority of the family head and principal members may be relevant to the validity of a transaction. The precise requirements depend on the applicable customary law and the circumstances of the

[44] E.Chianu,'Priorities under the Land Registration Act in Nigeria' (1992) 36(1) *Journal of African Law* 66–80.
[45] *Malami v Ohikhuare* (2019) 7 NWLR (Pt 1670) 132 (SC).
[46] (1951) 13 WACA 222.
[47] U. Frank-Igwe and C. I. G. Agwor, 'A Critical Analysis of Alienation of Land Under Nigerian Law' (2026) 24 (1) Journal of Private and Property Law-Rivers State University, 68.

alienation. In *Ekpendu v Erika*, the Supreme Court considered principles governing family land and the authority of persons dealing with such property.[48] The decision remains relevant to the examination of customary ownership and the legal consequences of transactions undertaken without the necessary authority.

Similarly, *Lukan v Ogunsusi* provides important guidance on the legal principles governing family land and alienation.[49] The Court held that the head of a family cannot validly alienate family property without the consent of the principal members of the family, as such a transaction is voidable. Conversely, an alienation by principal members without the participation or consent of the family head is void ab initio. The Court further clarified that the consent of every individual family member is not necessarily required; the consent of the accredited principal members representing the family is sufficient.

In *Dibia v Tubonimia*,[50] two families, the Oto-Adoghany and Oto-Ekedi families, disputed ownership of a parcel of land in Amalem, Abua, Rivers State. The respondents claimed title based on traditional history, while the appellants contested their claim. The Supreme Court dismissed the appeal and affirmed the lower courts' decisions, holding that a claimant must establish title through the strength of their own case. Where title is based on traditional history, the claimant must prove the original founder, the circumstances of founding and the chain of succession. The Court also reaffirmed that appellate courts should not disturb concurrent findings of fact unless they are perverse or unsupported by the evidence.

The practical implication is that a prospective purchaser should not rely exclusively on a deed executed by one family member. The purchaser should establish whether the person executing the transaction is authorised under the applicable customary law and whether the required participation or consent of other relevant family members has been obtained.

Where the land belongs to a community, the investigation may require examination of customary leadership, community records, previous allocations and the applicable customary procedures.[51] The importance of this investigation is particularly evident in Rivers State, where customary landholding remains relevant to transactions involving land in different communities. The legal practitioner should therefore identify the applicable customary arrangements rather than assume that all family and communal transactions are governed by identical rules.

The article proposes that customary ownership verification should be formally integrated into pre-acquisition title investigation. Where necessary, written confirmation from the recognised family or community representatives should be obtained, supported by evidence of their authority and the relevant customary requirements.

4.5 Detection of Government-Acquired, Committed and Revoked Lands

Another important source of defective land acquisition is the sale of land affected by government acquisition, public reservation, statutory commitment or revocation. Under the Land Use Act, the Governor possesses statutory powers relating to the grant and revocation of rights of occupancy, subject to the provisions of the Act. Section 28 regulates revocation of rights of occupancy for overriding public interest, while section 29 addresses compensation in relevant circumstances.[52]

A prospective purchaser must therefore establish whether the land has been acquired for a public purpose, reserved for a government project or otherwise affected by an administrative decision restricting private acquisition. The fact that land is physically occupied or that a vendor possesses a Certificate of Occupancy does not necessarily establish that the interest remains unaffected by a subsequent lawful acquisition or revocation.

[48] (1959) 4 FSC 79.
[49] (1972) 5 SC 40.
[50] (2024) 11 NWLR (Pt 1950) 433 (SC).
[51] *Onyekwuluje v Animashaun* (2019) LCN/4895 (SC).
[52] Land Use Act, Cap L5, Laws of the Federation of Nigeria 2004,ss 28-29

The Supreme Court position, as reflected in *Edosa v Ehimwenma*[53] and and supported by *Maza v Awuna*[54] and *Adegbite v Amosu*,[55] is that a prospective purchaser has a duty to conduct diligent research into the title and status of land, including whether it has been acquired for a public purpose, as existing rights can be extinguished by lawful government acquisition, irrespective of physical occupation or the possession of a Certificate of Occupancy.

The purchaser should conduct searches at the relevant Lands Registry and make inquiries from the departments responsible for land administration, surveying and physical planning. Where the property is located near a road corridor, industrial facility, public institution or other government project, additional investigation may be necessary to establish whether any reservation or acquisition affects the parcel.

The legal significance of revocation is illustrated by *Osho v Foreign Finance Corporation*, where the Supreme Court examined the operation of the Land Use Act in relation to land interests and statutory powers.[56] In addition, *Jega v Ekpenyong* provides important guidance on the legal implications of competing interests and the operation of statutory land administration.[57]

The article recommends that relevant authorities should maintain accessible records identifying acquired, committed, revoked, and reserved lands. Such records should be linked to cadastral information so that prospective purchasers can establish whether a parcel is affected by a public interest restriction before completing the transaction.

4.6 Verification of Survey Plans, Coordinates, Boundaries and Overlapping Interests

A survey plan is an important document in land transactions because it identifies the geographical extent, boundaries and location of the property being acquired. However, a survey plan does not independently establish ownership. This distinction is fundamental. A parcel may be accurately surveyed while the person presenting the plan has no valid proprietary interest in it. Similarly, two different survey plans may describe overlapping portions of land, creating competing geographical claims.

A proper investigation should establish whether the survey plan was prepared by a duly qualified surveyor, whether the surveyor is appropriately registered and whether the plan corresponds with the actual parcel being offered for sale. The purchaser should also verify the survey particulars against available cadastral records and determine whether the coordinates overlap with previously surveyed or registered parcels.

The Surveyors Council of Nigeria Act provides the statutory framework for the regulation of professional surveying practice. The relevant provisions should be read alongside applicable survey and land administration laws. The Land Use Act also makes the identification and classification of urban and non-urban land relevant to the administration of rights of occupancy.[58]

The Ghanaian approach provides a useful comparative illustration. Sections 84–96 of Ghana's Land Act 2020 address demarcation, survey, registry maps and the establishment of registration districts.[59] The integration of survey and registration information is particularly relevant to the present research because it demonstrates the importance of geographical identification within a reliable title-registration system.

[53] (2022) LPELR-56869(SC).
[54] (2022) LPELR-58909(SC).
[55] (2016) LPELR-40655(SC).
[56] (1991) 4 NWLR (Pt 184) 157.
[57] 2025), SC/349/2019, Supreme Court, judgment delivered 31 January 2025.
[58] Olusola Atilola, "Land Administration Reform Nigerian: Issues And Prospects", in FIG Congress 2010 Facing the Challenges - Building the Capacity, (2010): Sydney, Australia.
[59] Land Act 2020 (Act 1036) (Ghana), ss 84–96.

The article therefore recommends that survey verification should become a compulsory component of significant pre-acquisition investigations. A purchaser should obtain an independent survey where there is uncertainty concerning the boundaries or identity of the land.

4.7 Detection of Undisclosed Mortgages, Easements, Restrictive Covenants and Other Encumbrances

A title may be founded on a valid proprietary interest and still be unsuitable for acquisition because it is subject to existing encumbrances. Encumbrances are interests or restrictions affecting the use, enjoyment or transfer of land. They may include mortgages, easements, restrictive covenants, leases, rights of way, charges and other third-party interests. A purchaser who acquires land without investigating existing encumbrances may find that the property is subject to rights that restrict its intended use or expose it to enforcement proceedings.

A mortgage, for example, may give the mortgagee rights over the property, including enforcement rights in circumstances permitted by law. An easement may confer rights of passage or other use over the land, while restrictive covenants may limit the nature of development or occupation. The purchaser should therefore conduct searches to establish whether any registered mortgage, charge, lease, easement or restriction affects the property.[60] The investigation should also include examination of the root documents and contractual arrangements disclosed by the vendor.

The Land Registration Act 2002 of England and Wales provides a useful comparative framework.[61] Sections 32 and 33 address notices and certain interests that may be protected or excluded from protection by registration. The system illustrates the importance of recording interests that may affect a purchaser's rights. Under Ghana's Land Act 2020, provisions concerning mortgages, easements, restrictive covenants, and registration of interests provide further comparative guidance.[62]

The Nigerian system would benefit from a more integrated approach in which searches at the Lands Registry are supported by disclosure obligations imposed on vendors and verification of relevant instruments. The article recommends that a vendor should be required to disclose all material encumbrances before completion. A purchaser should not proceed where a material encumbrance remains unexplained or where the proposed transaction cannot lawfully transfer the intended interest.

4.8 Verification of Pending Litigation, Injunctions and Adverse Proprietary Claims

Pending litigation may significantly affect the security of a proposed land acquisition. A parcel may be the subject of an ownership dispute, injunction, declaration of title proceedings, partition proceedings or other litigation capable of affecting the vendor's interest.

A purchaser who acquires such land without investigating the dispute may become involved in prolonged proceedings or find that the transaction is subject to an existing court order. The investigation should therefore include inquiries concerning pending proceedings and existing judgments affecting the property. A search at the Lands Registry may not necessarily disclose every pending court action. Accordingly, the purchaser's legal practitioner should examine available court records and make reasonable inquiries from the vendor, occupants and other persons with relevant knowledge.

The doctrine of *lis pendens* is particularly important in this context. It concerns the effect of pending litigation on dealings with property that is the subject matter of the proceedings. The principle is intended to prevent parties from defeating the authority of the court or frustrating the eventual determination of proprietary rights through transfers undertaken while litigation is pending.

[60] Roger Smith, *Property Law*, 11th edn (Pearson 2024); Martin Dixon, *Modern Land Law*, 14th edn (Routledge 2026).
[61] Land Registration Act 2002 (England and Wales), ss 32–33.
[62] Land Act 2020 (Act 1036) (Ghana), ss 148–160.

In *Bellamy v Sabine*, the English court articulated the traditional principle governing dealings with property during pending litigation.[63] The principle has influenced common-law approaches to transactions involving disputed property. The article recommends that title-verification reports should expressly identify known litigation, injunctions and adverse claims. Where proceedings are discovered, the purchaser should obtain and examine the relevant originating processes, pleadings and orders before considering completion.

4.9 Physical Inspection, Possession and Inquiries from Adjoining Landowners and Occupants

Physical inspection remains an indispensable component of title investigation. Although documentary and registry searches provide information concerning the legal basis of ownership, they may not reveal the actual condition of the land or the existence of persons exercising possession over it. A purchaser should inspect the land to establish its location, boundaries, occupation, access and physical condition. The inspection may reveal structures, cultivation, fencing, occupation by third parties, encroachment or other circumstances requiring further investigation.

Inquiries from adjoining landowners and occupants may also provide useful information concerning previous sales, customary ownership, family disputes and competing claims. However, such inquiries should be treated as corroborative evidence rather than a substitute for formal legal investigation. The statements of neighbours or community members may be incomplete, inaccurate or influenced by personal interests.

In *Imana v Robinson*, the Supreme Court recognised the limitations of relying solely on physical inspection when investigating title.[64] The case demonstrates that physical examination must be combined with documentary and historical investigation. The study therefore advocates a two-dimensional approach: physical verification should establish the identity and circumstances of the property, while documentary and legal verification should establish the vendor's transferable interest.

4.10 Verification of the Authenticity and Legal Effect of Registered Instruments and Certificates of Occupancy

Registration is an important mechanism for recording interests in land and providing information concerning transactions affecting property. Nevertheless, the legal effect of registration must be understood in relation to the applicable registration legislation. The purchaser should establish whether an instrument has been registered, whether the registration particulars are genuine and whether the instrument corresponds with the parcel being offered for sale.

More importantly, the purchaser should determine whether the instrument was executed by persons with the requisite legal authority and whether the underlying transaction complied with applicable statutory requirements. The Supreme Court's decision in *Orianzi v Attorney-General, Rivers State* is particularly relevant because it illustrates the importance of examining the underlying proprietary foundation of a claimed interest.

Similarly, *BAC Electrical Company Ltd v Adesina* reinforces the principle that a Certificate of Occupancy does not automatically defeat an existing superior title.[65] The implication is that registration should not be treated as a substitute for investigation. The purchaser must establish the validity of the original grant, the authority of the vendor and the legal consequences of any subsequent registration.

The comparative systems of England and Wales and Ghana offer useful lessons in this regard. Both jurisdictions provide statutory mechanisms for recording interests, protecting priority and dealing with competing claims. However, neither system eliminates the need to examine the legal rules governing the effect of registration and the protection of third-party interests.

[63] *Bellamy v Sabine* (1857) 1 De G & J 566.
[64] (1979) 3–4 SC 1.
[65] (2020) 14 NWLR (Pt 1745) 548.

4.11 The Limitations of Existing Searches and the Risks of Relying Exclusively on Official Records

The preceding discussion demonstrates that conventional title investigation may be inadequate where it relies exclusively on a single source of information. A search at the Lands Registry may disclose registered instruments but may not establish whether the original vendor possessed a valid customary interest. A survey plan may establish geographical boundaries but may not prove ownership. A Certificate of Occupancy may indicate the existence of a right of occupancy but may not conclusively resolve competing proprietary claims.

The weakness is therefore not necessarily the absence of every verification mechanism but the fragmentation of the available mechanisms. Existing Nigerian scholarship has begun to recognise this problem. Barasua and Wireh advocate institutional reforms and digital transformation as means of improving due diligence in land transactions.[66] Ahiakwo and Onuoha similarly emphasise the need to investigate ownership and earlier registered interests before proceeding with registration.[67]

Empirical research conducted in Rivers State also provides relevant context. Nwankwoala and Ihuah, in their 2024 study on challenges affecting land-titling processes in Rivers State, identified high processing costs, lengthy procedures, bureaucratic bottlenecks, corruption, information barriers, and inadequate technological capacity among the challenges reported by their respondents.[68] Their findings are relevant to the present article because they illustrate institutional circumstances that may affect the practical accessibility and reliability of title-verification processes.

However, their research focused on challenges affecting land titling rather than developing a specific pre-acquisition method for detecting defective titles. The present study therefore builds upon this scholarship by focusing on the purchaser's ability to identify defects before completing a transaction. The limitations of conventional searches also demonstrate the importance of distinguishing between the existence of official records and the completeness of those records. A purchaser may obtain a registry search that accurately reflects the documents contained in the registry while remaining unaware of an unregistered customary grant, a physical encroachment or a pending dispute.

Consequently, the article argues that the security of a land transaction should not be determined by a single document or search result. It should be assessed through a coordinated investigation of all relevant legal and factual circumstances. The central recommendation is that Nigeria should adopt a multi-source verification model that requires the purchaser's legal practitioner to reconcile documentary, institutional, geographical, customary and physical information before recommending completion.

5.0 Judicial Responses To Defective Titles And The Protection Of Purchasers

The Nigerian judiciary has played an important role in developing the principles governing proof of title, competing proprietary interests and the legal consequences of defective land transactions. Judicial decisions provide the basis for determining whether a vendor possesses a valid interest, whether a subsequent purchaser can obtain a better title and what remedies may be available where an acquisition is affected by defects. Nevertheless, the principal concern of this study is whether judicial remedies provide adequate protection before acquisition or whether greater emphasis should be placed on preventive investigation.

5.1 Judicial Principles Governing Proof of Title to Land

The principal judicial authority remains *Idundun v Okumagba*, where the Supreme Court identified five recognised methods of proving ownership.[69] These methods provide the evidential foundation for determining

[66] T. Barasua and PC Wireh, 'Due Diligence in Land Transactions in Nigeria: Legal Issues, Challenges, and Comparative Insights' (2025) 23(1) Journal of Private and Property Law, Rivers State University.
[67] G.A Ahiakwo and A Onuoha, 'Condition Precedent to Land Registration in Nigeria' (2024) Journal of Private and Property Law, Rivers State University, Special Edition.
[68] L. A Nwankwoala and P.W Ihuah, 'The Identification of Challenges towards Land Titling Processes in Rivers State' (2024) 11(11) International Journal of Research and Scientific Innovation 528–540.
[69] (1976) 9–10 SC 227.

whether a vendor possesses a legally recognisable interest. In *Piaro v Tenalo*, the Supreme Court further considered the evidential principles governing proof of title.[70] These authorities demonstrate that title must be established through legally recognised evidence rather than mere assertions of ownership. For pre-acquisition purposes, these principles require a purchaser to establish the legal foundation of the vendor's interest and determine whether the evidence presented is sufficient to support the proposed transfer.

5.2 The Legal Effect of Registration and the Limitations of Registration as Proof of Ownership

Registration is important because it provides an official record of transactions affecting land. However, its legal effect depends on the applicable registration legislation. The registration of an instrument should not automatically be treated as proof that the underlying transaction was valid. A registered instrument may still be challenged where the grantor lacked authority, the root of title was defective, or the transaction contravened applicable law.

In *Orianzi v Attorney-General, Rivers State*, the Supreme Court examined the legal implications of competing proprietary claims and the significance of the underlying title.[71] The decision reinforces the principle that administrative documentation must be evaluated in relation to the substantive interest it purports to evidence. Similarly, *Otukpo v John* demonstrates the limitations of treating a Certificate of Occupancy as conclusive proof of ownership.[72]

5.3 The Doctrine of Notice and the Consequences of Failure to Investigate Title

The doctrine of notice is important in determining the circumstances in which a purchaser may be affected by an earlier proprietary or equitable interest. A purchaser who acquires property with actual, constructive, or imputed notice of an existing interest may not necessarily obtain the protection available to a purchaser without notice.[73] The purchaser's duty to investigate title is therefore relevant to determining whether the purchaser ought reasonably to have discovered an existing interest.

In *Pilcher v Rawlins*, the English Court of Appeal examined the principles governing the protection of a bona fide purchaser of a legal estate for value without notice.[74] The decision remains an important common-law reference point. In the Nigerian context, the principles must be applied with due regard to the nature of the interest, the applicable registration legislation and the circumstances surrounding the transaction.

5.4 The Protection Available to Bona Fide Purchasers for Value

The doctrine protecting a bona fide purchaser for value without notice is intended to promote certainty in commercial transactions while balancing competing proprietary interests. However, the doctrine does not provide automatic protection to every purchaser who pays consideration. The purchaser must satisfy the relevant legal requirements, including the acquisition of the appropriate legal interest and the absence of the requisite notice of an earlier equitable interest.[75]

Consequently, the purchaser's investigation is important not only for identifying defects but also for establishing whether the purchaser may qualify for equitable protection. The present study argues that purchasers should not be encouraged to rely on the possibility of obtaining protection through litigation. The better approach is to identify and resolve material defects before completion.

5.5 Remedies for Purchasers Who Acquire Defective Titles

[70] (1976) 12 SC 31.
[71] (2017) 6 NWLR (Pt 1561) 224.
[72] (2012) 7 NWLR (Pt 1299) 357.
[73] *Alhaja Juradat Animashaun v G A Olojo* (1990) 6 NWLR (Pt 154) 111 (SC); C O Olawoye, *Title to Land in Nigeria* (University of Lagos 1974).
[74] (1872) LR 7 Ch App 259
[75] *Ohiaeri v Yussuf* (2009) LPELR-2361(SC).

A purchaser who acquires land affected by a defective title may be entitled to different remedies depending on the circumstances. These may include rescission of the contract, recovery of purchase money, damages for breach of contract, claims founded on misrepresentation or fraud, and other appropriate proprietary or personal remedies.[76]

Where the vendor knowingly misrepresented the validity of the title, the purchaser may also consider appropriate civil and criminal proceedings. However, the availability of a remedy does not necessarily restore the purchaser to the position that would have existed if the defect had been discovered before payment. Litigation may involve considerable expense, delay and uncertainty, while the vendor may lack sufficient assets to satisfy a judgment. The inadequacy of post-acquisition remedies therefore reinforces the need for effective pre-acquisition verification.

5.6 The Liability of Vendors and Professionals Involved in Defective Land Transactions

Vendors may incur liability where they fraudulently misrepresent ownership, conceal material defects or purport to transfer interests they do not possess. Legal practitioners may also face professional consequences where they fail to exercise reasonable care in investigating title or advising purchasers. Similarly, surveyors and other professionals may incur liability where negligent professional services materially contribute to a defective transaction.

The study advocates clearer professional standards requiring appropriate documentation of title searches and verification procedures. Such standards would improve accountability and provide a basis for evaluating whether professionals have discharged their obligations.

5.7 Critical Assessment of the Adequacy of Existing Judicial Remedies as Preventive Mechanisms

Judicial decisions have substantially developed the legal principles governing proof of title and protection of purchasers. However, judicial remedies are predominantly reactive. They become relevant after a dispute has arisen or a transaction has been challenged. The courts cannot independently guarantee that every purchaser will obtain accurate information before completing a transaction. That responsibility requires an effective institutional framework capable of recording, verifying and disclosing relevant proprietary interests.

The article therefore argues that judicial protection, although indispensable, should be complemented by preventive statutory and administrative mechanisms. The principal reform should be a structured verification system that reduces the likelihood of defective transactions rather than relying predominantly on litigation to resolve competing claims after acquisition.

6.0 Towards A Risk-Based And Multi-Source Framework For Pre-Purchase Land Title Verification In Nigeria

The preceding analysis demonstrates that the principal weakness in Nigeria's existing title-verification arrangements is not necessarily the complete absence of legal requirements but the fragmentation of the procedures through which prospective purchasers obtain relevant information. A purchaser may conduct a registry search, inspect a survey plan and examine a Certificate of Occupancy without necessarily establishing the validity of the vendor's underlying interest. [77]There is therefore a need for an integrated verification model capable of bringing the different investigative processes together before completion.

6.1 The Inadequacy of the Existing Fragmented Verification System

[76] *M T A Liman v Alhaji Shehu Mohammed* (1999) 9 NWLR (Pt 617) 116 (SC).

[77] A. Ganiyu Adebanjo, 'Digitisation of Land Title Registration in Nigeria vis-à-vis Admissibility of Electronic Evidence: Lagos State Case Study' (2025) 15(1) *University of Ibadan Law Journal.*

The weakness of a fragmented verification process lies not merely in the number of institutions consulted but in the absence of a disciplined method for reconciling inconsistent evidence.[78] A positive registry search does not prove the absence of unregistered customary claims; a survey may identify a parcel without establishing the vendor's right to dispose of it; and possession may disclose occupation without proving the legal quality of that occupation. A preventive protocol should therefore record, for each source, the proposition investigated, the documents or observations relied upon, the limits of the result, any contradiction and the next inquiry required. The purchaser's lawyer should provide a reasoned opinion on title rather than a checklist of searches undertaken.

6.2 A Proposed Mandatory Pre-Acquisition Title Verification Protocol

The article proposes the Nigerian Pre-Acquisition Land Title Verification Framework (NPLTVF) as a professional and institutional reform model comprising seven linked stages. It is not presently a uniform statutory protocol binding purchasers across Nigeria; the recommendation for mandatory adoption would require appropriate legislative, regulatory or professional authority and careful consideration of state competence and existing conveyancing rules.

The first stage involves verification of the vendor's identity, legal capacity and authority to transfer the land. The second involves tracing the root of title and examining the chain of ownership. The third concerns documentary and forensic authentication of title instruments, including Certificates of Occupancy, deeds and powers of attorney. The fourth stage involves institutional searches at the Lands Registry and relevant government departments to establish whether the land is subject to prior conveyances, mortgages, acquisitions, revocations or other restrictions. The fifth involves cadastral and physical verification to establish the precise identity, location and boundaries of the property.

The sixth stage concerns customary and third-party interest verification, including inquiries into family or communal ownership, occupation, previous grants and competing claims. The seventh stage involves a consolidated legal risk assessment and an acquisition recommendation. The process should culminate in a written verification report identifying the documents examined, the searches conducted, the persons consulted, the defects discovered and any outstanding risks.

6.3 Integration of Land Registry Records, Cadastral Databases and Survey Verification

A major reform should involve the integration of land registration information with cadastral and survey databases. Such integration would enable prospective purchasers and their legal practitioners to compare the land described in a title document with the geographical information contained in official survey records. The system should identify overlapping parcels, inconsistent coordinates, previously registered interests and land affected by government acquisition or reservation.

Ghana's Land Act 2020 provides useful comparative guidance through its provisions on demarcation, registry maps and title registration.[79] These provisions demonstrate the importance of linking geographical identification with registration.

6.4 Forensic Authentication of Title Documents and Verification of Their Execution

The proposed framework should require independent verification of material title documents where there are inconsistencies or reasonable grounds for suspicion. The relevant institution should be able to confirm the issuance, registration and execution particulars of documents presented by vendors. Where necessary, forensic examination should be undertaken by appropriately qualified experts. This process should not be used

[78] Olaleye Steve Akintububo. 'Proof of Title to Land in Nigeria: Re-Appraising Judicial Doctrine and Remedying Regulatory and Administrative Gaps' (2026) 14(2) *Nigerian Law and Practice Journal.*

[79] Land Act 2020 (Act 1036) (Ghana), ss 84–96.

indiscriminately to create unnecessary delays. Rather, it should be triggered by material inconsistencies, suspicious alterations or circumstances suggesting possible forgery.

6.5 Community-Based Verification of Customary Ownership and Root of Title

The proposed framework must recognise that a significant proportion of Nigerian landholding remains connected with customary ownership. Consequently, verification should not be confined to official records. It should also involve appropriate inquiries into the identity of the land-owning family or community, the authority of persons purporting to alienate the land and any previous customary grants.

Ghana's Land Act 2020 offers an important comparative example through its recognition of customary interests and the establishment of Customary Land Secretariats.[80] Nigeria may draw lessons from this arrangement by strengthening the recording and verification of customary transactions while preserving the applicable customary law and constitutional rights of existing owners.

6.6 Digital Land Registries and Interoperable Land Information Systems

Digitalisation offers opportunities for improving the accessibility and reliability of land records. An effective digital land information system should link registration information, cadastral data, survey records, acquisition notices, mortgages, court orders and other relevant interests. However, digitalisation should not be confused with the automatic validation of defective documents. An inaccurate paper record does not become legally reliable merely because it has been converted into an electronic database. Digital systems must therefore be supported by verification standards, data protection safeguards, audit trails and mechanisms for correcting inaccurate records.[81] England and Wales provide useful lessons through the Land Registration Act 2002 and the electronic services of HM Land Registry.[82]

6.7 Establishment of a Standardised Land-Title Risk Classification System

Risk classification under the NPLTVF should be based on the gravity and evidential strength of an identified defect, its effect on the vendor's capacity to transfer the particular interest, the likelihood of competing claims, the availability of lawful rectification and the consequences of proceeding before resolution. The model should not treat every missing document as equivalent to forgery or a fundamentally defective root of title. A low-risk assessment requires coherent and corroborated evidence with no material unresolved contradiction; moderate risk covers identifiable procedural or documentary deficiencies for which a legally effective cure can be demonstrated; high risk covers substantial uncertainty about ownership, authority, encumbrances, boundaries, or government interests; and critical risk concerns an established fundamental obstacle such as proven forgery or absence of transferable title. The labels are proposed analytical categories, not empirically calibrated probabilities or guarantees of marketability.

Each classification must generate a recorded decision and conditions precedent. A low-risk transaction may proceed only after ordinary completion safeguards. A moderate-risk transaction should be held pending documentary proof of rectification, followed by renewed verification. A high-risk transaction should not complete unless the material contradiction is resolved through authoritative evidence or a legally sufficient process. Where a critical defect is established and cannot lawfully be cured, abandonment is the appropriate recommendation. The report should distinguish verified facts, adverse indications, unanswered questions, and assumptions; identify the responsible verifier and date of each inquiry; attach or reference supporting evidence; and state whether a revised opinion is required before payment or completion. These decision rules should be subjected to professional consultation and pilot testing before being codified.

[80] *Ibid.*
[81] G. A. Ahiakwo, 'The Legal Regime of Digital Registration of Land in Nigeria' (2022) 8 (6) *International Journal of Law,* 235-241.
[82] Land Registration Act 2002 (England and Wales), ss 1, 27, 29 and 32.

6.7.1 Operational Thresholds and Decision Rules for the Risk Matrix

The four risk categories should operate as decision rules rather than as numerical probabilities. Because the study has not collected a transaction-level dataset, assigning numerical weights or claiming statistical predictive accuracy would be misleading. Classification should instead depend on the legal significance of the defect, the reliability and independence of the evidence, whether the defect is capable of lawful cure, and the consequences of completing before cure. The assessment must distinguish a missing document from evidence that the vendor has no transferable interest.

Low risk applies only where the vendor's identity and capacity are established; the root and chain of title are coherent; material documents are independently authenticated; registry, survey, planning and physical inquiries disclose no material contradiction; and customary or third-party inquiries produce no credible adverse claim. Low risk is not a guarantee of title. It means that the inquiries reasonably available for the transaction have produced a consistent evidential picture, subject to the limitations expressly recorded in the report.[83]

Moderate risk arises where a deficiency is identifiable and potentially curable without changing the substantive ownership or prejudicing a prior interest. Examples include a missing certified copy, an administrative discrepancy capable of confirmation by the issuing authority, an outstanding consent or registration step that can lawfully be completed, or a survey clarification that does not alter the identity of the land or encroach upon another person's interest. The transaction must be placed on hold; no non-refundable payment or completion should occur until the cure is documented and the relevant search or verification is repeated.

High risk arises where there is a substantial but unresolved question about the root of title, vendor authority, parcel identity, prior alienation, government acquisition, encumbrance or adverse possession. Examples include inconsistent conveyances, an unresolved overlap with an adjoining parcel, conflicting family claims, a pending suit concerning the land, or an official search that is materially incomplete. The purchaser should not complete while the issue remains unresolved. Escrow or a conditional agreement may preserve the parties' position only where independently advised, lawful and commercially appropriate; it does not convert a defective title into a good one.

Critical risk applies where reliable evidence establishes a fundamental obstacle that cannot be lawfully cured within the transaction, or where the vendor's asserted interest is absent or invalid. Triggers include confirmed forgery; proof that the vendor is not the owner and has no authority from the competent owner; a prior subsisting disposition that defeats the vendor's ability to convey; a final or subsisting court order prohibiting the transaction; a lawful acquisition or revocation that has extinguished the interest; or a material boundary conflict demonstrating that the parcel offered is not the parcel the vendor can lawfully transfer. In such circumstances, the recommendation is to abandon the transaction, preserve evidence, and consider appropriate civil or criminal remedies. A mere allegation does not automatically establish critical risk: the evidential basis and status of any court process must be stated.

The transition from moderate to high or critical risk must therefore be reasoned and evidence-led. A moderate defect becomes high where the proposed cure is unavailable, disputed, outside the vendor's control, or likely to prejudice an existing claimant. It becomes critical where authoritative or otherwise compelling evidence establishes that the vendor has no transferable interest or that the transaction is legally prohibited. Conversely, a high-risk matter may be downgraded only after the contradiction is resolved by reliable evidence and all affected searches are updated. The report must record the original classification, the evidence that caused any change, the person authorising the change and the date of reassessment.

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[83] Olaleye Steve Akintububo. 'Proof of Title to Land in Nigeria: Re-Appraising Judicial Doctrine and Remedying Regulatory and Administrative Gaps' (2026) 14(2) *Nigerian Law and Practice Journal.*

Risk level	Indicative triggers	Required response	Completion position
Low	Consistent root, authority and parcel identity; authenticated documents; no material adverse search or inquiry result.	Complete ordinary searches, retain evidence and issue a qualified written opinion.	May proceed subject to statutory consent, stamping, registration and contractual completion requirements.
Moderate	Curable administrative or documentary omission; confirmable record discrepancy; outstanding lawful perfection step.	Suspend; obtain authoritative correction or missing evidence; repeat affected searches.	No completion or irreversible payment until cure is evidenced.
High	Unresolved competing claim, root uncertainty, survey overlap, pending litigation, material search gap or disputed authority.	Do not complete; obtain authoritative resolution, independent expert evidence or judicial determination where necessary.	Completion prohibited while material uncertainty persists.
Critical	Confirmed forgery; no transferable interest or authority; defeating prior disposition; operative prohibitory order; lawful acquisition or revocation extinguishing interest.	Abandon; preserve evidence; consider recovery, injunction, fraud report or other remedies.	Do not proceed; ordinary contractual warranties cannot cure the defect.

The matrix is deliberately non-numerical at this stage. A weighted score may be considered after a pilot has generated a sufficiently large and reliable dataset, but a score should never override a legal bar such as forgery, want of authority or an operative court order. The legal practitioner must identify the statutory or contractual basis of each concern and explain why the proposed response is proportionate.

6.7.2 Procedure for Multiple Sales and Competing Purchasers

Where more than one purchaser claims the same parcel, the investigator should establish the chronology and legal character of each transaction rather than assume that the earliest document or the purchaser in physical possession automatically prevails.[84] The inquiry should identify the interest created by each instrument; the date of execution and payment; whether possession was delivered; whether any instrument was stamped and registered; whether statutory consent or approval was required and obtained; whether the grantor had title and authority at each stage; and whether a later purchaser had actual, constructive or imputed notice of the earlier interest. Registration and priority must be analysed under the applicable state legislation and the legal rules governing the particular interest; there is no safe universal rule that registration invariably cures an earlier defect.

The following sequence is recommended. First, preserve and authenticate all competing instruments and obtain official search results for each claimant's asserted transaction. Secondly, reconstruct the chronology of grants, payments, delivery of possession, notices, registration and perfection. Thirdly, test the common root: if the common vendor had no title or authority, neither purchaser ordinarily obtains a better interest merely by being first to register or by paying value. Fourthly, determine whether the earlier claimant acquired a legal or equitable interest and whether the later purchaser can establish the elements of any applicable bona fide purchaser defence, including acquisition of the relevant legal estate for value and absence of notice. Fifthly, assess the effect of

[84] Omonye Omoigberale, 'Reconciling Conflicting Jurisprudence: A Critical Analysis of the Admissibility of Unregistered Land Instruments in Nigerian Property Law' (2025) 13(1) *ABUAD Law Journal*.

applicable registration statutes, priority rules, fraud, statutory consent requirements and any court order. Finally, where the evidence is genuinely contested, advise against self-help or completion and seek an agreed standstill or appropriate declaratory or injunctive relief.[85]

Neither purchaser should be labelled innocent solely on the basis of an assertion of good faith. Each must disclose the searches undertaken, information received, possession observed, inquiries made and circumstances that might have put a reasonable purchaser on notice. A purchaser who ignored visible occupation, a known dispute, an earlier instrument or a warning from an adjoining owner may face difficulty establishing absence of notice. Equally, a prior unregistered interest should not be dismissed without examining its legal nature and the applicable statutory regime. The NPLTVF should record both claims neutrally and should not purport to adjudicate disputed title; that function belongs to a competent court.

6.7.3 Safeguards Where Customary Leadership or Family Authority Is Disputed

Community-based verification is necessary in appropriate customary transactions, but it creates risks if a purchaser treats a single self-appointed spokesperson, letter or payment receipt as conclusive evidence. Customary rules are not uniform across Nigeria or even necessarily identical among communities within a State. The investigator must identify the applicable customary law and the particular family or communal ownership structure before deciding who is legally competent to participate in an alienation. The customary position must be tested against relevant judicial authority and the facts of the particular transaction.

Where leadership is disputed or fragmented, the purchaser should not select the faction that supports the sale. The lawyer should obtain the competing claims in writing; identify the family or community history and the basis on which each claimant asserts authority; examine any existing family records, minutes, allocation records, prior conveyances, probate materials or court decisions; and consult more than one independent source where practicable. The inquiry should include persons in actual possession and adjoining landholders, but their statements should be treated as evidence to be corroborated, not as a substitute for the applicable customary rule.

Safeguards against bad faith and extortion should include no payment to an individual merely for providing an endorsement; transparent and pre-agreed reasonable costs for documented searches or administrative services; written records of meetings and attendance; independent confirmation of the identity and authority of signatories; disclosure of conflicts of interest; and a prohibition on treating silence, refusal to attend or a payment demand as proof of consent. Where the dispute is material and cannot be resolved through reliable evidence, the risk should remain high and the transaction should be suspended pending a competent family decision, recognised customary process or judicial determination. The purchaser should not attempt to manufacture consensus by paying rival factions.

6.7.4 Rivers State Evidence, Data Gaps and Empirical Validation

The Rivers State dimension must be stated with methodological precision. The manuscript refers to the existing study by Nwankwoala and Ihuah on land-titling challenges in Rivers State, which reports respondent-identified concerns including processing costs, lengthy procedures, bureaucratic bottlenecks, corruption, information barriers, and limited technological capacity. These findings provide contextual support for examining the practical accessibility of official title information. They do not, without the underlying study's sample details and reported measurements, establish a current average search time, a statewide failure rate or the performance of every registry office. No numerical registry-delay or error statistic is therefore asserted in this article.

The present research is doctrinal and comparative; it has not conducted interviews with Lands Registry officials, state surveyors, conveyancing practitioners or purchasers. The NPLTVF has accordingly not been empirically

[85] G.A. Ahiakwo, 'Due Diligence and Title Verification in Nigeria Land Transactions: Legal Principles and Practical Guidance' (2026) 12(1) International Journal of Law, 365–373.

validated. Its feasibility, cost and predictive value cannot be demonstrated by doctrinal analysis alone. A subsequent pilot in selected urban, peri-urban and rural locations in Rivers State should collect, at minimum, the date a search is lodged and returned; the total official and professional cost; the proportion of searches returned as incomplete; the number and type of record contradictions; the time taken to resolve discrepancies; the frequency of undisclosed interests discovered after the initial search; and the proportion of transactions suspended, cured or abandoned.

To reduce selection bias, the pilot should include transactions that proceed as well as those that are abandoned, and should distinguish residential, commercial, family and communal land. Data should be anonymised and collected with appropriate consent and lawful authority. Registry staff, surveyors, conveyancing practitioners, community representatives and purchasers should be consulted through a transparent research protocol. Results should be reported with the sample size, period, geographic coverage and limitations. Until such work is completed, the Rivers State discussion is contextual and the risk matrix remains a reasoned proposal rather than an empirically calibrated instrument.

6.7.5 Affordable and Inclusive Institutional Transition

An interoperable digital land information system should be treated as a staged institutional reform, not as an immediate requirement that every State purchase expensive forensic equipment or replace all paper records.[86] The first phase should map existing records, legal mandates, data custodians and search procedures; publish clear service standards and fees; introduce standardised search request and response forms; and create a secure index of parcel identifiers and registered instruments. These steps can improve accountability before full digitisation.

The second phase should prioritise high-value, high-volume and high-dispute records for scanning and indexing, with quality checks against original instruments. The third phase may link registry indexes with cadastral and acquisition data through interoperable systems, open standards and role-based access. Digitisation should proceed only with audit logs, backups, cyber-security, data protection, correction procedures and a clear rule that an electronic copy does not validate a defective underlying transaction. Paper records should remain accessible during transition, and rural or semi-urban applicants should be able to lodge and obtain searches through physical service points or assisted channels.

Financing should combine phased appropriations, transparent and proportionate service fees, targeted federal or development-partner support where available, and carefully governed public-private technical services. Any fee should be published, cost-based and subject to waiver or assistance for indigent or vulnerable applicants where legally permissible. Public-private arrangements must not give a contractor control over the legal status of title, exclusive ownership of public land data or discretion to deny access. Procurement should include open technical standards, data portability, performance benchmarks and independent audit. A pilot should compare the cost per search, time saved, error rates and access outcomes before expansion.

Routine forensic examination of every title document would be disproportionate and unaffordable. It should be triggered by concrete indicators such as inconsistent seals or signatures, altered particulars, mismatched registration numbers, unexplained gaps in the chain, conflicting official confirmation or credible allegations of forgery. Initial verification should ordinarily be undertaken through direct confirmation with the issuing or registering authority. Specialist forensic services should be reserved for cases in which documentary examination reveals a material reason for suspicion. This graduated approach preserves the value of forensic evidence while avoiding unnecessary cost and delay.

[86] G. A. Ahiakwo and A. Onuoha, 'Condition Precedent to Land Registration in Nigeria', Journal of Private and Property Law, Rivers State University.

6.8 Mandatory Disclosure of Encumbrances and Competing Interests

Vendors should be required to disclose material interests affecting the land before completion. Such disclosure should include previous sales, mortgages, leases, easements, litigation, acquisition notices, revocation notices, and other restrictions. The disclosure should be supported by contractual warranties and appropriate remedies for deliberate concealment or misrepresentation. This approach would improve transparency and reduce the risk of purchasers entering transactions without knowledge of material adverse interests.

6.9 Institutional Accountability and Professional Responsibility

The success of the proposed framework depends on institutional accountability. The Lands Registry should maintain accurate and accessible records. Survey authorities should ensure the reliability of cadastral information. Planning authorities should provide information concerning restrictions and public reservations. Legal practitioners should undertake appropriate investigations and produce written verification reports. A system of professional accountability should also provide consequences for deliberate misrepresentation, negligent certification and unlawful alteration of records.

6.10 Comparative Evaluation: England And Wales And Ghana

The comparative inquiry asks a practical question: what can a prospective purchaser safely infer from an official record, and what further investigation remains necessary? In England and Wales, the Land Registration Act 2002 organises registered estates, registrable dispositions and the priority consequences of registration. Section 27 addresses dispositions required to be completed by registration, while section 29 governs the priority consequences of certain registered dispositions for valuable consideration. These provisions offer a more structured public-information and priority environment than an isolated search for a Nigerian deed. Nevertheless, registration does not make every potential adverse interest visible on the face of the register.[87] The treatment of overriding interests, including relevant interests under Schedule 3, demonstrates why the register and the physical circumstances of land must be considered together. Rectification and indemnity mechanisms further show that registration systems must address error rather than assume it cannot occur.

The English and Welsh experience therefore offers three functional lessons, not a ready-made legal transplant. First, a registry should identify the precise legal effect of the information it records and the priority consequences of dealings. Secondly, a purchaser's investigation must remain sensitive to interests that may bind notwithstanding incomplete visibility in public records. Thirdly, correction and compensation mechanisms are necessary where official records prove inaccurate. Nigeria's statutory and customary landholding structures, the constitutional distribution of legislative and administrative responsibilities, and uneven institutional capacity make wholesale adoption of English title guarantees inappropriate. A Nigerian reform should instead clarify the evidential status of search results, improve record integration, and preserve inquiries into possession and unrecorded interests.

Ghana supplies a different, regionally relevant comparison. The Land Act addresses land interests, registration, and the administration of customary land within a consolidated statutory framework.[88] Its recognition of customary land administration, including Customary Land Secretariats, illustrates the importance of connecting formal records with the institutions and communities through which some proprietary interests are constituted or managed. The Act's treatment of title registration and qualified or provisional claims is relevant to a Nigerian system in which apparent documentary certainty may conceal an unresolved dispute. Section 112, identified in the manuscript in relation to provisional registration, warrants particular attention: its precise prerequisites, legal consequences, and relationship with competing claims must be checked against the authoritative statutory text

[87] Odibei FF, *Principles of Land Law in Nigeria* (2023).

[88] Land Act 2020 (Act 1036) (Ghana).

before publication. It should not be cited as though provisional registration itself conclusively validates ownership.

A comparative synthesis reveals four design principles for Nigeria. Public information should disclose its legal effect and limits; land identity should be checked against spatial records and occupation; customary and other off-register interests require deliberate inquiry; and qualified or disputed claims should be recorded as uncertainty, not silently converted into apparently clean title. In the NPLTVF, these principles correspond, respectively, to institutional searches, cadastral and physical verification, customary-interest investigation, and the final risk classification. Their adoption would require legislative authority where they change legal rights, and administrative or professional reform where they concern information-sharing and verification practice.

The comparison also identifies a limit to the proposal. The existence of more sophisticated registries in another jurisdiction does not establish that the same institutional design will be affordable or effective in Rivers State or elsewhere in Nigeria. A phased pilot should therefore measure search completeness, time, costs, contradictory records, correction rates and the proportion of transactions suspended because of material defects. Without that evidence, the framework remains a doctrinally reasoned proposal rather than a demonstrated empirical solution.

6.11 Implementation, Evidence Standards And Professional Oversight

Implementation should begin with a standard verification report rather than an immediate claim that all seven inquiries can be made legally mandatory. The report should identify the parcel and proposed interest; the vendor and authority to dispose; the documentary chain; registry and planning results; survey findings; evidence of possession; customary and neighbouring inquiries; and unresolved inconsistencies. Every material conclusion should be linked to a dated source. Where a public authority cannot provide a reliable search, the absence of information should be disclosed as a limitation, not converted into a favourable finding.

A phased professional pilot, supported by the appropriate regulatory bodies and participating state institutions, could test whether the protocol is proportionate for different transaction types. Its safeguards should include consent and lawful handling of personal information, secure audit trails, clear correction procedures and accessible routes to challenge inaccurate official data. Special care is needed where family or communal rights are at stake: an informal statement by one community representative should not substitute for establishing the legally competent persons and the governing customary or statutory rules.[89] The framework must improve verification without presenting uncorroborated community assertions as conclusive proof.

CONCLUSION AND RECOMMENDATIONS

The analysis demonstrates that a Certificate of Occupancy, registered instrument or approved survey plan is an evidential starting point rather than a substitute for investigating the vendor's transferable interest. Nigeria's plural sources of title and unevenly connected records make it necessary to examine the root of ownership, legal capacity, execution, encumbrances, government interests, physical identity, possession and adverse claims. The principal difficulty is not simply the absence of legal rules but the failure to combine the results of separate inquiries into a defensible pre-completion opinion.

The study finds that Nigerian law provides important principles governing proof of title, registration and alienation of land. However, the effectiveness of these principles is weakened where the information required for verification remains fragmented among different institutions and sources. Judicial remedies, although important, are predominantly reactive and may not adequately protect purchasers who discover defects only after completing a transaction.

[89] Elias TO, *Nigerian Land Law and Custom* (Routledge reissue, 2024).

The comparison is instructive precisely because neither comparator supports blind reliance on a single document. England and Wales demonstrate the value of explicit priority rules, public registers and error-correction arrangements while retaining a role for interests not fully apparent from the register. Ghana illustrates the need to connect statutory administration with customary land institutions and to distinguish definitive from qualified claims. Nigeria should adapt these functions, rather than reproduce the foreign systems, in light of the Land Use Act, state land administration and the continuing importance of family and communal interests.

The central recommendation is adoption, after consultation and testing, of the proposed NPLTVF as a standardised pre-acquisition verification protocol. Its seven stages should produce a single reasoned report, with supporting evidence, contradictions, outstanding inquiries and a low, moderate, high or critical risk assessment. A report should identify the particular interest being acquired and the lawful steps necessary before completion. Where authority, root of title or identity of land remains materially uncertain, the transaction should not be represented as safe merely because some documents have been registered.

Administrative reform should prioritise interoperability between registry, cadastral and planning information; reliable procedures for checking government acquisition and revocation; accessible correction mechanisms; and safeguards against the unauthorised alteration of digital records. In Rivers State, any proposal for integrated searches should be mapped against the actual powers, record-keeping practices and applicable state laws of the relevant institutions before implementation. Professional standards should require written disclosure of the limits of searches and independent investigation of customary and third-party claims. A statutory vendor-disclosure duty may be considered, but its scope, remedies and relationship with existing fraud, misrepresentation and conveyancing principles require careful drafting.

The study does not claim that Rivers State registry delays have been measured by the author, that the NPLTVF has been tested with primary stakeholder data, or that digital integration can be implemented without material cost. Existing Rivers State research is used as contextual evidence, while the proposed pilot identifies the data needed to test operational performance. The risk matrix is therefore expressed through transparent legal and evidential triggers rather than unsupported numerical scores.

Where competing purchasers emerge, the framework requires a chronology-based assessment of the interests created, the vendor's root, notice, possession, perfection, and the applicable priority rules. Where customary authority is contested, it requires neutral corroboration and suspension rather than reliance on one faction or payment for endorsement. Where technology or finance is limited, it recommends a staged transition that preserves paper access and prioritises searchable indexes and reliable procedures before expensive system-wide integration.

A preventive approach will not eliminate litigation or guarantee flawless title. It can, however, make the legal basis of an acquisition more transparent, identify defects while parties still have meaningful choices, and improve accountability for professional advice and official information. The NPLTVF's contribution is a structured bridge between the substantive law of title and the practical decision whether to acquire land. Its adoption should begin with professional guidance and a limited, independently evaluated pilot in Rivers State, followed by consultation with relevant institutions and communities. Only evidence from that process should determine whether the model should be expanded, recalibrated, or supported by legislation. The ultimate measure of success should be improved detection and resolution of material defects at proportionate cost, without excluding rural landholders or weakening legitimate customary and third-party rights.

Risk level	Indicative triggers	Required response	Completion position
Low	Consistent root, authority and parcel identity; authenticated documents; no material adverse search or inquiry result.	Complete ordinary searches, retain evidence and issue a qualified written opinion.	May proceed subject to statutory consent, stamping, registration and contractual completion requirements.
Moderate	Curable administrative or documentary omission;	Suspend; obtain authoritative	No completion or irreversible payment until cure is evidenced.

	confirmable record discrepancy; outstanding lawful perfection step.	correction or missing evidence; repeat affected searches.	
High	Unresolved competing claim, root uncertainty, survey overlap, pending litigation, material search gap or disputed authority.	Do not complete; obtain authoritative resolution, independent expert evidence or judicial determination where necessary.	Completion prohibited while material uncertainty persists.
Critical	Confirmed forgery; no transferable interest or authority; defeating prior disposition; operative prohibitory order; lawful acquisition or revocation extinguishing interest.	Abandon; preserve evidence; consider recovery, injunction, fraud report or other remedies.	Do not proceed; ordinary contractual warranties cannot cure the defect.