



CONDITION PRECEDENT TO LAND REGISTRATION IN NIGERIA

Ahiakwo Grace Abraham*

Anugbum Onuoha, PhD*

ABSTRACT

Land is nature gift to humans and on it we live, build, farm, excavate mineral resources which to a great extent sustain livelihood. To get a good title to land that will be free from future title tussle, there are condition precedents to be religiously pursued before land registration in Nigeria. Land, buildings and structures firmly affixed to the land must be thoroughly investigated by the purchaser or the purchaser's agent before payment of purchase price. Land registration thereof covers the public recording of land rights via deed registration, title registration or digital registration. Lack of registration of land has led to uncertainty in land transaction, loss of income, land title litigation, loss of lives and the most state lands have remained unknown. This article discovered that the preliminary steps to be taken before land registration in Nigeria include finding out who the legal owner of land is, also investigating the earlier registered title and who the direct descendant of the land owning families are in the case of a communal or family land. The paper recommended that the survey plan should capture the purchaser's exact land and that Registrar of land should inquire into the sufficiency of land title documents before land registration.

KEYWORD: *Land, Registration, Condition precedent, Legal owner, Registered Title*

INTRODUCTION

*Ahiakwo Grace Abraham, LLB (Uyo), BL (Abuja) PDE (FCET), LLM, PhD (RSU) ACI Arb (UK), ASCMA (UK) MICMC, MIC Arb, Principal Partner at Gracey's Legal Consult and Resolution Firm, No. 1A Erema Street, Omoku Town, Rivers State. graceahiakwo@nigerianbar.ng. 08034054911. Lecturer, School of Alternative Dispute Resolution.

* Anugbum Onuoha, PhD, Associate Professor of Property Law and Secured Credits, Former Head of Department of Private and Property Law, Rivers State University, Port Harcourt, Nigeria.



Where title to land is not registered, a purchaser is bound by all the legal interests except where, very unusually, the legal interest is registrable as a land charge and has not been registered and purchaser is bound by all equitable interests of which the purchaser has notice, except where the interest is over-reachable and it has been overreached. In the case of *Owakah v Rivers State Housing and Property Development Authority*¹, the appellant' case was that he bought the property (No. 38 Street Mile 3, Diobu, Port Harcourt) from the 1st respondent in 1983, and a sales agreement was executed and registered in the Land Registry, Port Harcourt, and that later 1st respondent sold the property to 2nd respondent while the agreement between the appellant and 1st respondent was still subsisting. The 2nd respondent counter claimed a declaration that she was the lawful owner and as such entitled to the statutory right of occupancy in and over the parcel of land with building in dispute situate at No 38 Elechi Street. The property in dispute was one of the abandoned properties vested in the 1st respondent to sell to members of the general public. 1st respondent contended that they did not legitimately sell the property to the appellant. That the appellant committed fraud and colluded with officials of the 1st respondent in his alleged purchase of the property. Further argued that the appellant's claim to ownership of the property lacked contractual basis as there was no offer and acceptance. 1st respondent stated that they advertised the abandoned property for sale in Newspaper and acting on the publication the 2nd respondent purchased the property. The 2nd respondent revealed that prior to the purchase, she had lived in the property and was paying rent. In 1985, State Government directed all tenants to renovate abandoned property, nobody came forward and the property was thereafter published for sale and she purchased the property and became owner in possession.

¹ (2022) 12 NWLR (Pt 1842) 463.



The trial court dismissed 2nd respondent counter claim. Respondents appealed to Court of Appeal and 2nd respondent sought leave to argue the equitable defence of a *bona fide*² purchaser for value as a substantial point of law. The Court of Appeal held the trial Court wrongly rejected Exhibit AG and AH tendered by 2nd respondent and held 2nd respondent was the lawful owner of the property as she was a *bona fide* purchaser for value without notice. Dissatisfied, appellant appealed to Supreme Court and contended respondent failed to conduct the necessary search at the Land Registry in Port Harcourt to determine if there was any existing interest in the property. The Supreme Court held that there was no reason for 2nd respondent to engage in another voyage of discovery having followed and complied with all the conditions stipulated in Newspaper publication which was made public. The Court confirmed that the 2nd respondent was a *bona fide* purchaser for value without notice and had acquired a good title to the property. The Supreme Court expatiated that *bona fide* purchaser for value is not affected by the transferor's fraud against a third party and has a superior right to the transferred property against the transferor's creditor and that in this case, since the 2nd respondent had no notice of the sale of the property to the appellant, the 2nd respondent title as a *bona fide* purchaser without notice is immune from all such allegations against the 1st respondent.

PRELIMINARY CHECKS ON LAND

Where there are multiple interests exist in land, the person that has the better title is the one with legal interest in the eyes of the law; the person having better claim to the land. Thus, to avert buying a land without a clear title, it is important for series of preliminary checks to be

² Meaning good faith, honesty, without fraud, collusion or participation in wrong doing.



conducted on the land. These checks include investigation of the land, perfection of title, stamping of the title deed and registration of title.

a. Investigation of Title

Investigation of real property title is the process of confirming the title of the vendor as asserted by him/her. It also involves anything and everything that will reveal any defects in a property to be purchased.³ A purchaser is expected to inspect the land and make inquiry about anything which appears inconsistent with the title offered by the vendor.⁴ In the case of *Njimogu v Okpe*⁵, the appellant as plaintiff in the trial court, instituted an action against respondent as defendant and sought a declaration that he is the lawful and rightful owner of the customary right of occupancy over a sixteen-rooms house located at Afake in Kaduna. On the other hand the respondent counter claimed against the appellant that he is the rightful owner of the premises. The appellant stated that in 1995, it was one Mr. G. O. Nwachukwu who introduced him to the property and took him to the owner. That he paid for the property and was given a receipt. That after the purchase, he pleaded for the said Nwachukwu to look after the property as he had lived close to it. That subsequently he was transferred out of Kaduna from 1996 to 2006 but when he came to Kaduna sometimes in 2011, he discovered that the house was already completed and he contacted Mr. Nwachukwu who said he thought the Appellant had sold the house. The respondent's case was that he bought the property in dispute from his predecessor in title, Mohammed Aliyu Isiyaku who bought from Sarkin Musa Umaru. The trial Court refused both

³ S.A. Osamolu and others, *Real Property: Law and Practice in Nigeria* (2nd ed Abuja: Panaf Press Nigeria 2016) 2.

⁴ O. Olagoke, 'An Examination of the Competing Layers of Rights in Communal and Family Land.' (2017) (8) (1) *The Gravitas Review of Business and Property Law*.

⁵ (2022) LPELR-57425 (CA).



the prayers in the statement of claim and counter-claim. Dissatisfied, the appellant appealed to the Court of Appeal, and in the end held the appellant and respondent were not entitled to judgment in their favour as they failed to provide evidence in proof confirming the claim to their respective titles.

It is submitted from this case, that the respondent did not thoroughly investigate title before purchase. There was no due diligence exercised by respondent. On the part of the appellant, he was not in physical possession of land. It is put forward that if the purchaser see evidence of farming on the land or tenants in the building, in such circumstances the purchaser must make thorough inquiry as to when the rent of tenant will expire and when the farmer will harvest the crops. It is an ancient rule that fact of possession constitutes notice of rights of possessor, hence occupation of the premises by a person whose presence is inconsistent with vendor's title places any purchaser on inquiry as to the occupier's rights.⁶

The Supreme Court⁷ held that a defect in title to land is not easily ascertainable as discovering defect in respect of specific goods. A person buying a pair of trousers will examine the trousers and easily discover if it has defects, and if he fails to discover the defects and buys, he has only himself and not the vendor, to blame. This is not the case with a purchaser of a parcel of land. The purchaser cannot look at the bare ground or either a bare bush or a developed property and discover whether or not the vendor's title to it is defective. A recourse must be had to the title

⁶ I.O. Smith, *Practical Approach To Law of Real Property in Nigeria*. (Lagos: Ecowatch Publication Limited 1999) 212.

⁷ *Imana v Madam Robinson* (1979) All NLR 1 SC.



documents which the vendor possesses or in the case of native grants; the history of founder of land. A purchaser must of course always take care and be thorough in conducting investigation.

A purchaser has constructive notice of all rights which would have been discovered had he or she investigated the vendor's title to the land for the period allowed by law in ordinary cases where the parties make no special agreement as to the length of title. Investigation of title means the examination of documents relating to transactions in the land during the period immediately prior to the purchase. In some climes, this period is now at least 15 years.⁸

b. Investigation of the Legal Owner of the Land

The purchaser will need to identify the legal owner and the legal nature of the land and how it is currently owned. Is the property or land owned by a public or private entity? Is it owned in fee simple or is it a grant in trust or in leasehold? Is it a condominium which will require consent of the other co-owners to transfer? Is it a family or community land which will require consent of Head and principal members of all the branches of the unit to transfer. The seller/vendor must be the legal owner and have valid legal title.

In the case of *Otasanya v Ojelade*⁹, it was in evidence before the trial court is that the land in dispute, which is situated at Alahun Village in Ogun State belonged to the Otasanya Bankole family who has been in possession from time immemorial without any disturbance from anybody whatsoever, they alleged that the cause of action of the case arose on the 18th of August 2014 when they alleged that defendants/respondent invaded the disputed land and pursued

⁸ LPA 1969 s 23.

⁹ (2021) LPELR-55584 (CA).



plaintiff/appellant and other members of his family from the land. It was the defendants' case that, the disputed land belongs to several families in Alahun village and that 125 acres of the land was sold to the incorporated Trustees of the Redeemed Church of God under native law and custom, it was further their case that, the appellant led thugs to the land and chased them and their agents away destroying blocks and boreholes put on the land by the trustees. The trial gave judgment in favour of the defendants/respondents and on appeal, Court of Appeal dismissed the appeal on the failure of the respondent to prove with clarity the legal owner of the land. To this end, investigation of land should be poised at revealing the true legal or customary owner of land.

Where the land is owned by a public authority, due diligence will require that plot allocation letter to the land be investigated. Was the land always owned by public authority or was the land acquired from the family or community in which case the take over was published in the gazette. Such gazette should be looked for and examined. In the case of *Mohammed v Farmers Supply Co. (KDS) Ltd*¹⁰, the Court held that information about existence of revocation of Certificate of Occupancy is a matter within public domain, which upon diligent search at the diligent at the relevant land office, registry or legislative house, any member of the public can easily establish, access and ascertain.

Where the land is owned by a private person, investigation of how the private person acquired the land should be diligently pursued. It is put forward that the mode of acquisition of the private person should be clearly ascertained. Instances where the private person bought the land in a

¹⁰ (2019) 17 NWLR (PT. 1701) 198 (SC).



company name, in which case the corporate affairs registry should be searched. Where the land or building is owned jointly, then all joint owners must be consulted and their consents properly obtained.

c. Investigation of the Previous Changes of ownership

There is need to trace previous changes of ownership and ensure that there are no breaks in the chain of title. Most Deed of conveyance simply recite the fact that the vendor is the absolute owner of the land sought to be purchased, others state that the vendor is the beneficial owner of the land. These phrases does not disclose former owners of land and it is a scanty recital on the history of the land.

It is necessary to go back as the applicable law and regulations establish that a title can be challenged. In Nigeria, actions for recovery of land must be commenced within 12 (Twelve) years. Action by the State authority to recover land must be commenced within 20 (twenty) years in Lagos State and 12 years in Abuja.¹¹

d. Investigation of the Previous Registered Title

For a registered title, the investigation is simplified as search may be conducted at Land Registry. What are to be searched? The nature of grant is searched for, description of the property, the details of the registered transfer, any previous or existing encumbrances on property such as mortgages, pledge or any government acquisition. There are some acclaimed registered title that were forged by land speculators and grabbers so caution must still be

¹¹ Limitation Law of Lagos, s 16 Law of Lagos 2015 and s 15 of Limitation Act Abuja Cap 522 Laws of FCT 2007.



exercised when dealing with registered title. Investigation is still necessary.

In the case of *Segun v Amah*¹², the 2nd respondent case was that he was the original owner allottee of Plot 17 Kubwa Annex in Kubwa Bwari Area Council of Federal Capital Territory since 1995, later his title was regularized by Abuja Municipal Area Council in 2009. Appellant denied the claims of the respondent and stated that the respondents were mere trespassers without any colour of title to the plot in dispute. Judgment was given in favour of respondent in the lower court but in the Court of Appeal, appellant's appeal was allowed on the reasoning that allocation made by any Area Council in the FCT is void. This case is an eye opener of the need to verify registered title as most registered title may be without any colour of title.

If the property is a bequeathed, there should be search at the probate registry to reveal whether or not probate has been granted and who the accredited executors of the will are. The Chief Land Registra must register deed containing the accredited persons. Where the past owners of the property is a company, a search at the Corporate Affairs Commission is in place to verify who the Directors or Trustees of the company, whether the company was registered and to know if the vendor has the capacity to transfer or sell the property of the company.

e. Investigation of Family and Communal Lands

Where a family or communal land is to be sold or transferred, interview must be conducted with the Head and principal members of family or community to verify the founder of the land, mode of acquisition of title, the direct descendants of the founder and the branches of family emanating

¹² (2022) LPELR-58848 (CA).



therefrom. In the case of *Ngari v Otaji*¹³, claimants sought declaration of title to land, an order of Court setting aside purported sale of land to the respondents. The respondent on the other hand, filed defence and counter-claim against appellant for title to the same land. The land in dispute was 90A Abba Street, Mile 1 Diobu, Port Harcourt. The Claimants stated they were the owners and the property forms part of their family and ancestral land which they inherited alongside adjoining property from their late father, Chief Worlu Ngara of Rebisi Community in Port Harcourt. The claimants laid solid evidence on the mode of acquisition of the founder. The Trial court gave judgement in favour of the claimants and on appeal, the judgment of the trial Court was affirmed.

It is revealed from this case, that the respondent purchased from a wrong source and not from the Head and principal members of the claimants family (Worlu family). The case would have been different if adequate and thorough investigation was made to verify the rightful family to sell the land. Case laws have shown that where all the representatives of branches or gate of the family or community were not met and negotiated with, problems will spring up in form of land title litigation which will be detrimental to the purchaser.¹⁴

f. **Investigation at the Court and Charting of the Survey Plan**

Investigations of court cause lists, judgments and orders to see if the land proposed for purchase is not subject matter of a court litigation is also vital. There are so many land cases in the court

¹³ (2021) LPELR-54778 (CA).

¹⁴ *Awodi v Ajagbe* (2015) 3 NWLR (Pt.1447) 578 at 613 (SC).



bordering on many subject matter and most times, those who are in trouble may want to rush and sell litigation to unsuspecting purchasers.

There is a dire need to investigate the survey plan of land proposed for registration through charting of the coordinates of the plan to ensure it is not under government committed acquisition. It has observed that most surveys are carried out by agents who may not physically visit the land to conduct measurement and submit accurate findings for lodgement at the Ministry of Land. This condition has led to registration of land that was under Government acquisition but was given a wrong coordinates. It is vital that a trusted surveyor should be used and purchasers of land must take the surveyor and his agents to the land. The Surveyor should in all sincerity survey the exact purchaser's land shown to him. In the alternative it is submitted that a provisional survey can be carried out and lodged for charting before payment of money on the land.

Purchasers should further confirm the property limits as can be verified from the survey plan. It should be ascertained that the property description in the survey plan is correct, there should be confirmation where the property ends and where the adjacent property begins; it should be confirmed whether the property description in the survey plan matches the version in the title deed.

Consents for past transfers ought to be substantiated. It must be verified whether any required consent for each past transfer was granted; such as consent by government authorities,



commissioners of lands, spouses, co-owners amongst others. In Lagos State, where earlier consent was not given the purchaser must seek double consent on the recent transaction.¹⁵

g. Physical Inspection of the Land and inquiries from Boundary Neighbours

Where a purchaser fails to conduct preliminary inspection of the physical state of the property, he/she will be bound to take the property with its patent defects, thus it imperative that physical inspection be carried out. During physical visit to the property, land boundary neighbours should be interviewed with a view to obtaining answers to the following queries: is the vendor the legitimate owner of land? How many land-owners are there? Do all owners consent to the sale? If the land-owner is married, does the mate need to consent to the sale? Are all owners to the property alive and if the legal owner is dead, can the estate of the deceased sell the property? If the property belongs to a minor, is he/she emancipated from his parents? Investigation should be carried out to find out whether there exist possible long term encroachment or right of way that grants an easement or legal right acquired by use; also the use to which the property was previously put. It should be determined whether previous commercial or industrial use of the property had resulted in environmental contamination to the property. This is vital as such previous use could subject the new purchaser to liability as the successor owner.

PERFECTION OF TITLE

Perfection of title is the completion of the acquisition of interest, transfer of title and ownership vested in the land. It is a conscious step taken by parties to the transaction to complete the

¹⁵ A. Ayanru, ‘Retrospective Registration (Double Consent) of Title at the Lagos State Lands Registry’ <www.Mondaq.com> accessed 24th February, 2024.



transaction by registering the title document with the appropriate state land registry where the land is situated.¹⁶ There are three steps taken in perfection of title in land transactions in Nigeria. It commences from the stamping of the documents, obtaining of Governor's consent and registration with the appropriate land registry.

a. Stamping of the Title Deed

Stamp duty is a tax on written documents, it is chargeable on instruments that transfer land and buildings situated on it. Payment of tax in Nigeria is a function of law, in other words, all taxes collected by Nigerian Government are regulated by tax laws.¹⁷ Under the stamp duties Act, stamping of documents must be done within 30 days of execution of the Deed of Assignment, Transfer or Conveyance.¹⁸ Payment of 3 percent of the value of the property purchased is paid after assessment. Four copies of the title deeds is deposited at the stamp duties officer for stamping.

The Federal Inland Revenue Service is the competent authority to collect duties upon instruments relating to transactions or matters executed between corporate body and an individual, group or body of individuals.¹⁹ The relevant state tax authorities are responsible for the collection of stamp duties for title document executed between two individuals.²⁰

¹⁶ Osamolu and others (n3) 213.

¹⁷ F. U. Massajuwa and P. A. Aidonojie, 'The Challenges of the Plain and Unambiguous Legal Interpretation of some the Provisions of Nigeria Stamp Duties Act' (2020) (6) (3) *Kampala International University Journal of Social Sciences* 91.

¹⁸ The Stamp Duties Act, Cap S8, LFN 2004 as amended.(SDA), s 23.

¹⁹ SDA, s 4.

²⁰ *Ibid*, s 4 (2).



The stamping of title deed serves as a precursor to obtaining governor's consent and subsequent registration. Effects of failure to stamp may include: an unstamped document is not admissible in evidence to prove title; late stamping attracts penalty and the document would not be accepted for registration.

b. Pursuit of Governor's Consent

By virtue of the Land Use Act, all land in each state in the federation became vested in the Governor of that State, whose prior consent is mandatory for the legal validity of any transfers or alienation of interest in landed property. Section 22 of the Land Use Act imposes the need for a holder of statutory right of occupancy to obtain the Governor's consent where he intends to alienate his right in the property. A completed contract on sale requires Governor's consent and if it not sought or obtained, there can be no valid transfer. In *B. Manfag (Nig) Ltd v M/SOI Ltd*,²¹ the Supreme Court held that section 22 of the Act merely prohibits the holder of a statutory right of occupancy from alienating his right of occupancy or any part thereof by assignment, mortgage, transfer or possession, sublease, or otherwise without the consent of the Governor first had and obtained. The apex court however stated: but the holder of statutory right of occupancy is certainly not prohibited by the section from entering into some form of agreement for presentation to the Governor for his necessary consent.

This is good sense because the Governor when giving his consent may require the holder to submit an instrument executed in evidence of the assignment in order that his consent may be

²¹ (2007) 14 NWLR (Pt. 1053) 134 (SC).



signified by endorsement thereon. In the case of *Polaris Bank Ltd & Ors v Oladipo*²², the mortgage agreement (Exhibit D2) was made with no column for Governor's consent. The usual endorsement put on the agreements of this nature to which the governor subsequently append his signature was missing. The Court reasoned that the deposit of the title document created an equitable mortgage and the creation of equitable mortgage can be made without getting the governor's consent at the time of creating same. The consent can be obtained later to comply with sections 22 and 26 of the Land Use Act.

The purport of the above mentioned provisions is to the effect that where there is alienation of land by way of mortgage, sale, lease without prior consent of the Governor, such alienation will be rendered null and void. The court held that parties had no intention of seeking and obtaining consent. That if the provision for Governor's consent was there, then it would have been inchoate but the absence of the column for Governor's consent is a clear violation of section 22 and therefore the mortgage agreement is null and void. It is to be noted that solicitors preparing title document need to insert column for Governor's consent to show the intention to comply with sections 22 and 26 of the Act.

In Lagos, documents to be submitted for Governor's consent are application in the prescribed form obtainable at Land Registry; covering letter addressed to the Commissioner of Lands and Housing; evidence of tax clearance for three years for both parties; evidence of payment of development fee; evidence of payment of ground rent (if the land is not developed), land use charge and tenement rates (if land is developed); 4 copies of duly executed deed of assignment;

²² (2020) LCN/15366 (CA).



approved building plan; survey plan; a photograph of the property; a copy of the applicant's identification or his legal representative's identification.

c. Registration of the Title Deed

Registration is compulsory for Deed of assignment and must be done within 60 days of execution of the Deed of assignment.²³ The registrar will only accept a deed of assignment, if consent had been obtained and stamp duties paid. The purpose of registration is to prevent fraud; a problem arising from suppression or omission of these facts when title is deduced.

Upon submission of the application documents and payment of administrative fee, the application is given a unique reference number, processed and delivered to the Surveyor's General's office for the charting department to ensure that the plans were prepared in accordance with town planning rules and that the property is free from government acquisition. If there are no queries, the deeds are returned to the Directorate of Lands service for issuance of the assessment notice. Where the survey plan is queried, a notice of the query is issued to the applicant.

After investigation and assessment of the true value of the property, an assessment letter will be issued to the applicant. The letter will contain the amount for the registration fee, consent fee, neighbourhood improvement charge and capital gains tax to be paid to a designated bank. After payment receipts are issued to be submitted as proof of payment to the land registry who will register the Deed.

²³ Land Registration Act, s 2.



In practice the registrar will paste a certified true copy of the instrument on the register with his signature. On it and on the original, he shall endorse the following words: “This instrument is registered as No 6 at Page 6 in vol. 123 of the Lagos Land Registry in the office at 9am.” Upon registration of a conveyance instrument, the original is handed over to the applicant.

Registration under the registration of title law is divided into first registration and voluntary registration. First registration is compulsory for every conveyance of a fee simple estate in any land for a consideration which consists wholly or in part of money; and every grant of a lease of any land for a term of not less than forty years; and every assignment of a lease of any land having not less that forty years to run from the date thereof for a consideration which consists wholly or in part of money. In a mortgage transaction, the mortgagor, not the mortgagee, must apply for registration. In a conveyance, assignment, vesting order, it is the person on whom the estate after the transaction that must apply for registration.

Registration is permitted for any person who is entitled to sell at law or equity, to an estate in fee simple, in any land, whether subject or not to incumbrances. And person entitled, at law or in equity, to a lease of any land for an unexpired term of not less than five years, whether subject to incumbrances or not. The law prescribes that registration must be within two months. Registration is deemed to occur when the relevant documents are delivered to the land registry.²⁴

The effect of registered dispositions is that their validity is guaranteed by the registry. If anybody relying on the registration suffers loss, he will be entitled to an indemnity. But the transferee

²⁴ S.A. Osamolu and others, *Real Property: Law and Practice in Nigeria* (2nd ed Abuja: Panaf Press Nigeria 2016) 292.



acquires no title until the transfer is registered. The transferee takes the land subject to entries in the register, overriding interest and in case of a disposition of a leasehold, to all covenants, obligations and liabilities on the estate.²⁵

Until a transfer of interest in registered land is registered, the transferor remains the proprietor of the estate. Consequently, the transferee, will not able to exercise the powers of a registered proprietor but may be able to at least in some circumstances, exercise some rights over the land. This is because, such an unregistered transfer is effective in equity.

CONCLUSION

This article has analyzed the need for purchasers to conduct due diligence on the land or building they intend to acquire. The article listed some condition precedent to be complied with by the purchaser or purchaser's agent before land registration. Land registration is akin to the computer adage which states garbage in and garbage out. Where land registration preliminaries are skipped the result will be the registration of a defective title.

RECOMMENDATIONS

Thus the article recommends the following:

1. Purchasers must engage the legal services of a competent property Lawyer who will assist to investigate root title of the land intended to be purchased.
2. The purchaser should find out who the legal owner of the land or building is.

²⁵n 24.



3. The purchaser should find out the history of the previous land owners and their mode of acquisition, the root of title history so discovered should be documented in the recital of the Deed of Conveyance.
4. The purchaser should thoroughly investigate an earlier registered title to ensure it was not fraudulently registered or registered under mistake.
5. The purchaser must take the surveyor to the land and ensure that the exact land parcel is surveyed to ensure the land is not under Government's committed acquisition.