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THE DEMOLITION OF OOL AUTOS:

A LEGAL EXAMINATION
OF URBAN PLANNING
ENFORCEMENT AND
PROPERTY RIGHTS IN
LAGOS STATE.

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THE DEMOLITION OF OOL AUTOS: A LEGAL EXAMINATION OF URBAN PLANNING ENFORCEMENT AND PROPERTY RIGHTS IN LAGOS STATE.

The demolition of OOL Autos, a luxury car showroom owned by Waris Olayinka Akinwande (“Ola of Lagos”), by the Lagos State Government on October 11, 2025, has sparked public debate. While emotions have run high, it is critical to approach the issue through the lens of lawful urban development, public safety, and regulatory compliance which are obligations of any responsible government.

1. THE STATE’S DUTY TO ENFORCE URBAN PLANNING LAWS

From a public law standpoint, the demolition can be viewed as a legitimate exercise of regulatory enforcement under the Nigerian law. This is also in tandem with planning control actions under the UK law.

In both jurisdictions, property rights are constitutionally protected but not absolute. In Nigeria, Section 43 of the 1999 Constitution guarantees the right to acquire and own property, while Section 44(1) allows for compulsory acquisition or enforcement in the public interest, provided due process is followed. Similarly, in the United Kingdom, **Article 1 of Protocol 1 of the European Convention on Human Rights (ECHR)** protects peaceful enjoyment of possessions, but permits interference where lawful and proportionate for public safety or urban planning.

Just as local authorities in the UK may issue enforcement or demolition notices under the **Town and Country Planning Act 1990**, Lagos State authorities are empowered under the **Lagos State Urban and Regional Planning and Development Law, 2019** particularly Sections **26, 27, and 44** to act against structures built without approval or in prohibited zones.

The key legal test is procedural fairness was expounded by Hon. Justice A.O ATALUKO in the case of **OBIKE INDUSTRIES NIGERIA LIMITED v HELEN MATAWAL & 3 ORS** SUIT NO: FCT/HC/CV/1450/16:

- Was the structure in breach of planning or safety regulations?
- Was a valid enforcement or demolition notice served?
- Was the action proportionate and within statutory powers?

The Court held the demolition to be illegal where there was no proof of compliance with the notice requirement under the law. However, if these conditions are met, the harsh government’s action in this instance may be legally justified in the public interest.

Moving forward, the Lagos State Government is statutorily empowered and indeed obligated to regulate all physical development within the state. **Sections 26, 27, and 44 of the Law** expressly authorize enforcement measures, including the removal of structures erected without valid planning permits, or those that constitute threats to

public safety, such as buildings situated under high-tension power lines or on drainage channels.

Failure to enforce these provisions would amount to a dereliction of duty. Government's primary obligation is to protect lives and property, not merely in the proprietary sense, but also in the physical and environmental context.

2. PUBLIC INTEREST OVERRIDES PRIVATE CONVENIENCE

While **Section 43 of the 1999 Constitution (as amended)** guarantees the right to acquire and own immovable property, this right is not absolute. Section 45(1) allows for lawful derogations in the interest of public safety, order, and health. Consequently, where a structure poses an imminent risk such as proximity to a high-tension power line the government may justifiably intervene, even without compensation, provided the action falls within statutory authority.

The Supreme Court's reasoning in **F.G.N. v. Zebra Energy Ltd (2002) 3 NWLR (Pt. 754) 471** is instructive: individual property rights cannot override public safety laws. Similarly, in **Military Governor of Lagos State v. Adeyiga (2012) 5 NWLR (Pt. 1293) 291**, the court reaffirmed that land rights are always subject to statutory regulation and overriding public interest.

3. PRESUMPTION OF REGULARITY AND COMPLIANCE WITH DUE PROCESS

While concerns about due process are valid, it is essential to recall the presumption of regularity afforded to official acts under **Section 168(1) of the Evidence Act, 2011**. Unless proven otherwise, it is presumed that all official acts were properly and lawfully performed. The burden, therefore, rests on any aggrieved person to demonstrate procedural irregularity or non-compliance with statutory notice requirements.

Furthermore, the **Lagos State Building Control Agency (LASBCA)** routinely issues contravention and demolition notices to developers who disregard stop-work orders. In cases of urgent safety risk, enforcement may be carried out expeditiously under **Section 27(4) of the Urban Planning Law to avert danger**.

4. THE DOCTRINE OF PUBLIC NECESSITY

Even under international human rights jurisprudence, the doctrine of public necessity justifies immediate state action where delay could result in harm. The state's actions, if indeed prompted by the need to protect the public from potential electrocution hazards under high-tension wires, may fall squarely within this doctrine.

In **Chief Awolowo v. Sarki (1961) 1 All NLR 178**, the court recognized that lawful authority may curtail individual liberties or proprietary rights in urgent circumstances, provided the act is not arbitrary but rooted in public protection.

CONCLUSION

Urban disorder and unapproved developments have historically plagued Lagos, resulting in flood disasters, infrastructure strain, and loss of life. The state's decisive approach to physical planning is therefore an exercise in governance discipline, not oppression.

Consistent enforcement sends a clear message that compliance with planning laws is not optional a critical step toward achieving the sustainable, safe, and livable city envisaged under the **Lagos State Development Plan (2022–2052)**.

While demolitions often evoke sympathy for affected owners, government has a constitutional and moral obligation to act in the collective interest. The demolition of OOL Autos, if indeed executed within statutory authority and safety considerations, represents a necessary assertion of state power to protect the public and maintain order in urban development.



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