**AKINFOLAJIMI OYINDAMOLA O**

**16/LAW01/026**

**400L LAW**

**LAND LAW**

**MRS OLUBIYI**

 **TEST**

The legal quagmire in this case is whether the governor’s punishment unconstitutional. A right of occupancy is the right to use and occupy land as granted by the Land use act. (S5 LUA). The governor grants the right to occupancy, therefore he can revoke it.

According to S28 of the LUA the right of occupancy may be revoked by the governor for overriding public interest and in this case Tarzan hotel had been running its business despite the order of the governor that all public places including hotels should close down, which cause its demolishment as a punishment. In this case the demolishment is a form of revocation. The act also states that for a revocation of right of occupancy to occur, service of notice to the holder is very crucial. S28(6). In absence of a valid notice of revocation, the purported revocation of right will be ineffectual. AG Bendel state vs Aideyan.

In this case, the executive order was not tin accordance with the quarantine law, the government had given an executive order of demolishment of establishments that breaks the quarantine law, where the quarantine law stated that fines and penalties should be paid therefore the demolishment of Tarzan hotel was unconstitutional because the quarantine law which at that point was the supreme law was not followed, but the governor did not give adequate notice to Tarzan hotel as stated in S28(6) of the LUA. The executive order does not serve as a service of notice, Goldmark(nig) ltd vs Ibafon co.ltd.

My advise to Chief Ajah of Tarzan hotel is that the demolishment was unconstitutional and he can however bring an action for lack of direct service of notice before the demolishment and would be granted compensation.