**Issues for determntaion**

The issues for determination include:

1. Whether the actions of the governor is unconstitutional and contravenes the provisions of the constitution and the land use act
2. Whether the actions of the governor is in line with provisions of section 5 of the Quarantine law.
3. Whether chief Aja is entitled to damages

**Rules and application**

With regards to the first issue, section 28 of the land use act states that a right of occupancy may be revoked by the governor for overriding public interest. Revocation of a statutory right of occupancy in connection with economic, industrial or agricultural development of a private company or an individual is not for overriding public interest within the meaning of the land use act. Also the governor is required to revoke a right of occupancy only after issuing a notice. The governor in carrying out the executive order of demolishing Tarzan hotel is against the provisions of section 28 of the land use act.

Also in Amale v sokoto local government, it was held that the governor of a state has the power to revoke a person’s right of occupancy only for overriding public interest. Equally by virtue of section 28 (6) of the land use act, a notice of revocation of a right of occupancy must be given to the holder, and in absence of a valid notice of revocation, the purported revocation of the right of occupancy will be ineffectual.

With regards to the second issue, the governor is in violation of section 5 of the Quarantine Law which provides for only fines and imprisonment as penalties for default by holders of right of occupancy. There is no law in kuzuland that provides for the demolition of owners land, as done by the governor. Chief Aja is no doubt in defiance of the Quarantine law, however he cannot be punished beyond the prescribed punishment under section 5 of the Quarantine law which prescribes for only fines or imprisonment.

The demolition of tarzan hotel by the governor is unlawful and unconstitutional. Chief Aja is entitled to damages for the unlawful demolition and revocation of his right of occupancy by the governor in violation of the land use act and the Quarantine law of kuzuland. Chief Aja can bring an action against the governor of kuzuland at the High Court of kuzuland.