

NAME: ISHOLA HAKEEMAH G.

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ANSWER

The legal issue is

Whether the governor has a right to revoke statutory right of occupancy of mr Ajah? This writer answers in the affirmative

Whether chief Ajahs claim will be successful in court, this writer answers in the affirmative on grounds of lack of valid notice relying on the provisions of section 44 Land Use Act.

whether or not the act of the governor is unconstitutional or not.

this writer answers in the affirmative relying on constitutional provisions as well as Land Use Act.

From the substantive provisions of the Land Use Act, by the virtue of section 28, the governor of a state has a right to revoke the statutory right of occupancy of an individual. However, **section 28(2)** provides for three things that be considered for revocation and they are

1. Purpose of revocation (overriding public interest)
2. Whether or not there was a valid notice
3. Compensation

Section 28(2a-c) provides for the meaning of overriding public interest as alienation without governor's consent, use of land for public purpose, and use of land for mining purposes, etc **By virtue of section 28(5)** which provides for other grounds for revocation as well as **section 28(4)**.

Section 44 of Land Use Act stipulates the procedures and mode of service and it must be followed if not such notice would be rendered invalid.

For a revocation to be valid, it was stated in the case of **OBI V MINISTER OF FCT** that service of notice is a condition precedent for revocation. Also, the case of **LAGOS STATE DEVELOPMENT AND PROPERTY v FOREIGN FAINACE CORPORTATION** as well as **section 28(6) and (7)** that a notice for revocation must be addressed personally and it must state the reason for such revocation. In the case of **ONONUJU V A.G ANAMBRA**, it was held that notice of revocation wasn't valid as it wasn't addressed personally but in a federal gazette.

It is important to note that compensation is only applicable on revocation on grounds of public interest/ purpose and not breach of provisions.

An executive order is not a legislation it is just a directory and it must be consistent with the existing laws and as such , the order is not a sufficient notice as notice must be direct. Also section 1(1-3) of the CFRN 1999 as amended confers supremacy on the constitution and declares any law inconsistent with it provisions void.

From the scenario given, the governor has a right to revoke the statutory right of occupancy. Also, the notice given by the governor wasn't valid as it wasn't addressed personally to chief Ajah by the virtue of **section 28(6) of the Land Use Act**. However, the governor didn't give a notice and just went straight ahead to demolition and that act is unconstitutional as seen in the case of **AMALE V SOKOTO LOCAL GOVERNMENT** where a right was revoked without notice, purpose and compensation was held to be unconstitutional, unlawful as it goes against **section 33(2a) of CFRN 1999 as amended**.

For the issue of compensation chief Ajah is not entitled to compensation based on the fact that his right was revoked on a breach of provisions and law.

In conclusion, chief Ajah can sue due to lack of valid notice.