NAME: EVI-PARKER CHRISTABEL

MATRIC NO: 16/LAW01/084

COURSE: LAND LAW

LECTURER: DR. OLUBIYI, IFEOLUWA AYOKUNLE

ISSUE

The legal issues for this case scenario:

1. Whether the Governor had power to demolish Tarzan Hotel
2. Whether or not Chief Ajah will succeed with his action in court

I answer the first legal issue in the negative and that of the second in the affirmative

RULE

Revocation of right of occupancy is the right of the Governor to withdraw the right of occupancy of a person. Before this right can be withdrawn, 3 criteria has to be meet as provided in Section 28 of the Land Use Act.

1. There must be a purpose
2. A valid notice
3. Adequate compensation.

PURPOSE

The purpose for which the Governor is revocating once right of occupancy has to be on overriding public policy. Section 28(2) of the Act provides for when public purpose is overridden.

1. When one alienate land without the consent of the Governor
2. When the land is required by state or Local Government for public purpose
3. When the land is used for mining purposes.

In Amale V Sokoto Local Government, the court held that the Governor has the right to revoke right of occupancy on any ground that constitute overriding public policy

NOTICE

Notice is essential before they can be a valid revocation. Section 28(6) of the Act provides that the revocation shall be signified under the hand of a public officer duly authorized by the Governor and the notice must be passed to the holder. In Lagos State development property V foreign finance corporation, it was held that notice must state the reason of revocation.

COMPENSATION

Section 29 of the Act provides that if a right is revoked, the holder of the land should be adequately compensated. In Horn V Sunderland, the court held that the loss to the seller must be equivalent to the compensation

APPLICATION

In applying the above rules and principles to the case scenario, It is trite to state that the Governor had no pier to revoke Chief Ajah’s right of occupancy by demolishing his hotel. From the above criteria needed in order for revocation to occur, Tarzan hotel did not meet any of these requirements. The governor cannot hide behind the defence of public policy.

Secondly, Chief Ajah could succeed if he brings an action but firstly, it has to be in the right court of jurisdiction which is the High Court. Under the Land Use Act and 1999 Constitution of Nigeria, he has the right to go to court for wrong revocation.

CONCLUSION

In conclusion, the Land Use Act was created for many reasons for which on is, to assict the citizens irrespective of his/her social status to realize his ambition of owning a place. This shouldn’t be taken away from Chief Ajah wrongly.