NAME: HARRISON DANIELLA CHIBURUOMA

MATRIC NUMBER: 16/LAW01/094

COURSE: LAND LAW TEST

LECTURERS NAME: MRS IFEOLUWA OLUBIYI

COURSE CODE: LPB 402

DATE: 15TH MAY 2020

**ISSUES**

1. Whether the governor had the right to revoke the right of occupancy of the Tarzan hotel
2. Whether the procedure of revocation was right
3. Whether the chief Ajah can win in an action against the government.

RULE

By virtue of section 28 of the Land use act, the governor can revoke statutory right of occupancy for reason of overriding public interest. And notice must be given to the party whose right is about to be revoked which contains the reason for revocation. In the case of Obi v Minister of FCT the grounds upon which a statutory right of occupancy can be revoked was stated. This was also seen in the case of S O Adole v Boniface B Gwar

In the scenario given the reason for the demolition was not for public purpose as defined under the act in section 51. Overriding public interest is stated in 28(2)(a)(b)(c).

According to section 28(6) , notice of revocation must be served to the party whose rights are about to be revoked.

There are 3 requirements which must be met before a revocation will be valid and they are;

1. A valid notice, section 28(6) LUA
2. Compensation, section 29 LUA
3. Public purpose, section 51 LUA

Without these 3 such a revocation will be invalid and it is evident from thr above scenario that the reason for compensation was not for public purpose , and no valid notice was given and he was not compensated as well, so this render the act of the government wrongful and illegal. This was stated in the case of S O Adole v Boniface B Gwar.

APPLICATION

1. In answering my first issue I will say that the governor has the right to do so only if it is for public purpose or if the holder of the right fails to comply with the provisions of the a certificate of occupancy as in section 10 LUA, or the provisions of a special contract in section 8 LUA, and if he fails to pay for the certificate of occupancy and this is not the case in this scenario
2. Even if the governor was to revoke his rights, he did not follow due procedure which automatically renders the action void, there was no notice of revocation served to the plaintiff. Section 28(6) LUA
3. Chief AJah has a case against the government because the government was wrong in all its actions, firstly the constitution of Nigeria grants the right to own immovable property and how no ones property should be forcefully taken away from them. So by destroying the hotel ,the right of Chief Ajah has been deprived of this his fundamental right.

CONCLUSION

In conclusion I will say that the quarantine laws provided in its section 5 that the penalty for the offence committed by Chief Ajah will be punishable by fine and imprisonment, so the government by destroying his property is wrong.

It is my legal advice to chief Ajah that he can go ahead to institute an action against the government because the government did not follow the right procedure in handling the matter.