Name: Nwauwa Kelechi

Matric Number: 16/law01/138

The legal issue to be determined is:

* Does the executive order suffice as a notice of revocation of right of occupancy for overriding public interest?

Section 28 of the Land Use Act provides that a governor may revoke an occupier’s right of occupancy only when due notice has been given. This is illustrated in the case of *Ononuju v. AG Anambara State*. Also, in the Supreme Court case of *INEC v Musa*, it was pointed out that, “all powers, legislative, executive and judicial must ultimately be traced to the Constitution.” In *Buhari v Obasanjo*, the Court stated that the Constitution is a general statement of how Nigerians wish to be governed. Thus, where an executive order will affect the rights of citizens, the order will be invalid if unconstitutional, whimsical or capricious.

In this scenario, the Quarantine Law provides fines and imprisonment as the punitive measures for default. However, the governor made an executive order that allowed him to demolish property. This executive order is inconsistent with the Land Use Act which requires valid personal notice to the occupier before revocation, and the Quarantine Law which provides for fines and imprisonment. Chief Ajah was in violation of the Quarantine Law by continuing the operation of his hotel. However, his punishment is already defined in the Quarantine Law. And the Land Use Act provides that he must be duely notified before revocation can occur.

In conclusion, it is this writer’s opinion that with the stance of the law and judicial precedence, Chief Ajah is likely to be successful in a filing a suit against the governor for unlawful revocation of his rights of occupancy.