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COURSE: LAND LAW

COLLEGE: LAW

LEVEL: 400L

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Test:

The legal issues for determination are:

Whether the Governor has the legal right to demolish the Tarzan Hotel?

Whether the Governor has the power to revoke land tittle?

The position of law is that every citizen in Nigeria is empowered to acquire and own movable property however this right is subject to certain qualifications. In regards to this scenario firstly one must ascertain if a notice was served in line with the provisions of Section 28(6) of the Land Use Act and if the reason given for the acquisition and subsequent demolition was legitimately valid. By virtue of section 1 of the Land Use Act the Governor has absolute powered to hold land in trust for the benefit of the citizens. Section 28 of the Land Use Act provides that it is lawful for the Governor to revoke right of occupancy for overriding purpose, if there was a breach of occupancy and a notice by a higher court. However there are certain specifications under public interest and public purpose such grants are as followed the requirement of the land for mining purpose , extraction of building ,materials and alienation by the occupier by sale and assignment or otherwise of the right of occupancy without the requisite consent or approval.

The Governor is required to state one or a combination of the public purposes of which the land was being acquired in his notice to the owner of the land. In Olantunji vr Millitary Governor of Oyo state the court held that the judge the appellant can protest the acquisition of the property which was acquired if reason for acquisition does not fall within the confines of public purpose as found in Section 50 of the Land Use Act.

Applying this principles of law the Governor, a notice must serve to the party in line with **Section 28(6)** of the Land Use Act. In relation to the scenario given in question first question is if a personal notice was duly served in line with Supreme Court judgment in **S.0 Adole v. Boniface B. Giwa.** Next is to ascertain if the reasons given for revocation and acquisition is one of the defined reasons for revocation subject to overriding public interest and defined public purposes and in this case Chief Ajah was not a given personal notice and the reasons for the acquisition of property and subsequent demolition of property is not valid under the legal regulations for revocation of land title. Applying this principles of law the Governor, a notice must serve to the party in line with Section 28(6) of the Land Use Act.

Conclusively, the demolition of the property is not valid under the land use act, the quarantine act, the constitution. These laws do not permit the demolition of property. Even the quarantine act and executive order provisions do not permit the demolition of a property and in any case the court is the body with power to give punishment. Also, the guideline and regulations in the executive order is subject to the constitution. Therefore, Chief Ajah can file a suit for breach of his rights and be entitled to compensation.