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**LAND LAW II**

**TEST**

**DR. OLUBUIYI**

**ANSWER**

### **INTRODUCTION**

The writer of this paper aims to analyse the legal issue(s) inherent in this question and resolve them with case law and statute.

### **ISSUES AND RESOLUTION**

The writer raises two legal issues in this scenario.

- 1. Whether or not the Governor can revoke the right of occupancy for Overriding Public Policy or in line with Public Interest.**
- 2. Whether or not the Governor's decision to demolish the hotel was in line with the concurrent laws.**

The writer resolves both legal issues in the **affirmative**.

### **RULES**

Presuming that the laws of Kuzuland are the same as the laws of the Federal Republic of Nigeria. It is provided for in **s.28** of the Land Use Act 1978 that the governor has the power to revoke the right of occupancy be it statutory or customary for the purpose of overriding public interest. This position was also echoed in the case of *Hannah K. Agundo v. Mercy N. Gberbo & Anor*. This power was also reserved for the governor in **s.38**.

It is also that trite that before a right of occupancy can be revoked, there should be actual notice per **s.28(4)** of the Land use act.

### **APPLICATION**

Flowing from the foregoing and the predominant rules, the Governor was right to demolish the building of Chief Ajah in light of the present circumstances. **S.28 & S.38** reserve the right of revocation for the governor in light of public interest and public policy.

The closing down of public places during the quarantine is in line with both public interest and public policy as the order of shut down to curb the virus which is a global pandemic. In

the case of *Amale v. Local Government of Sokoto state*, a man's right of occupancy was revoked to build a market which was in line with public policy, how much more to curb a virus.

It should be further recorded that the **promulgation of the Quarantine Law served as actual notice** of revocation and it was clearly stated that disobedience of the law would result in demolition. It was further mentioned in the scenario that despite several warnings, Chief Ajah defied all of them and kept running Tarzan Hotels. In light with all the circumstances, the writer wishes to once again affirm the second legal issue. Yes, the governor's act to demolish the mans hotel was in line with the laws and also by virtue of **S.5** of the executive order, chief Ajah is also supposed to be prisoned or fined.

## **CONCLUSION**

It is the legal opinion of the writer and in line with legal provisions and judicial precedence, the governor had the power to revoke the right of occupancy and demolish Tarzan hotels. However, borrowing from Equity, the workers in the hotel may be compensated as their means of livelihood has been terminated.