Name: Adaugo Divine Ukah

Matric No: 16/law01/203

Answer

The legal issue for consideration are;

1. Whether or not the act of the Governor was unconstitutional in demolishing of the Tarzan hotel;
2. Whether Chief Ajah can contend with the action of Governor in a court of law,
3. Whether or not the court has the constitutional power to address such issue;

According to section 1 of the Land Use Act, the Governor has supreme power over all urban lands, as the trust is unique and sui generis. Also, the Governor also has the right to grant statutory right of occupancy, as well as revoke this right, as stated in section 28 of the Land Use Act

Issue 1

With the application of section 1, 2(1) (a) and section 5 if the Land Use Act, the Governor has control and management of the land in urban areas. This control although, supreme must be exercised for public purpose, and if the right of occupation is being revoked it must be for a public purpose which the Governor did.

 Issue 2

According to section 47 of the Land Use Act, no individual can contend with the actions of the governor on issued pertaining to land. However, if it is contained in the Quarantine laws, section 5 that a defaulting act will lead to demolition of the business as the Governor did.

Issue 3

According to section 47 of the Land Use Act no court shall have the jurisdiction to inquire into any issue pertaining to land in the state. Hence the courts shall lack constitutional power to address such an issue.

 Application

Chief Ajah the owner of Tarzan hotel knew of this executive order the Governor had issued, he also knew of the punishment and still went ahead to disobey this order and opened. The actions of the Governor cannot be held as unconstitutional as it was clearly stated in the Executive order and the section 5 of the Quarantine laws.

Chief AJah would not be able to commence any legal proceeding against the Governor in the court of law because according to section 47 of the Land Use Act no individual can bring an action to court concerning land against the Governor.

Lastly the Court have no jurisdiction to hear a matte pertaining to land, even if Chief Ajah should go to court. This is provided in section 47 of the Land Use Act.

Conclusion

In advising Chieh Ajah, his chances at success in court are impossible as he cannot take the matter to court in the first place and even if he does the court would have no jurisdiction to hear his case.