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TEST ANSWER

The legal issue for determination in this case are as thus;

1. Whether the governor has right under the land use to demolish chief ajah's hotel
2. Whether there was a proper notice
3. Whether chief ajah is liable to compensation

This case scenario in answerio the legal issue is about revocation of right of occupancy for overriding public interest. Section 28 of the land use act, gives the governor right to revoke the right of occupancy under three main grounds which are purpose, is there a valid notice and was adequate compensation given. The purpose for revoking the governor revoking his right of occupancy is for overriding public interest as the pandemic is one to affect all citizens and the public and it was duely notified to everyone to close down all schools, hotels and all social places and the purpose for demolishing his hotel was on the basis that chief ajah failed to adhere to the instruction of the governor which he did for the security of the public. In the case of Amale v. Sokoto local government, here it was held that a governor can revoke a right of occupancy on the basis of overriding public purpose and it will be held as valid. Although the the governor's act was for public overriding purpose his action of demolition was inconsistent with the quarantine law as the law stated that in breach of any order punishment should be by fines and penalties and not demolition and for the purpose of COVID 19 quarantine law was the supreme law

In answering the second issue of whether there was a proper notice, section 28(6) LUA provides that notice is a valid requirement before they can be revocation and must be by the governor or any assigned person, notice must be personal it cannot be a general notice, section 44 stipulates the mode in which notice should be served in which the governor failed in following any of them in the case of Ononuju v. AG of Anambra state where notice was published in a gazette rather than giving him personally court held it to be invalid. Also, the notice is meant to state reasons for revocation that is what makes it personal to each plot holder. Notice must be direct and personal stating reasons for revocation several warning does not constitute notice.

In answering the legal issue as to whether chief ajah's is liable to compensation, I affirm in the positive section 6(5) gives the holder of right of occupancy right to be compensated after revocation of their unexhausted improvements both customarily and statutorily . section 30

provides that none satisfaction of compensation should be addressed to the proper authority. This answers the second legal issue.

In advising chief ajah his act of continuous opening of the hotel was wrong as the covid 19 was a public interest but then he can seek for compensation for demolition of his property using section 44 paraphrasing it, if not satisfied with compensation you address it to the land use allocation committee but if not compensated at all you can raise an action in court. He can seek for compensation. In Horn v. sunderland corporation it states that revocation is a compulsory surrender so compensation should be able to restore a land owner to his previous state . chief ajah can take his case to the high court as unlimited jurisdiction lie on them on land matters as he was not compensated at all.