

NAME: BITRUS RUTH KURA

MATRIC NUMBEER: 16/LAW01/049

COURSE: LAND LAW II

ANSWER

The legal issue for determination in this case scenario is as follows; whether or not the governor of Kuzuland has the right under the land use act to demolish chief Ajahs hotel.

The second legal issue is whether Chief Ajah is liable for compensation from the government.

This scenario revolves around the revocation of right of occupancy. Section 28 of the land use act this gives the governor right to revoke the right of occupancy. For revocation to be valid three things ought to be checked and without these revocation will be nullified. These are;

- a. Purpose
- b. Is there a valid notice
- c. Adequate compensation.

The purpose for the governor demolishing and revoking the right of occupancy was because Chief Ajah failed to adhere to the instructions given by the state on the closure of all ventures on the effect of the pandemic in the state and country. Amale v sokoto local government this case was on the basis of overriding public purpose. Although the governor's act was for public overriding purpose the act of demolishing was not in line with the quarantine law, because the law clearly stated that anyone who defaults the law should be punished either by fine or penalty. And for the purpose of the pandemic the law was supreme.

The second thing to be considered is whether or not there was a valid notice. The purpose of giving notice of revocation of a right of occupancy is to duly inform the holder of the steps being taken to extinguish his or her right of occupancy. In absence of a valid notice of revocation the purported revocation the right of occupancy will be ineffectual. Notice is a valid requirement before there can be revocation. The notice must be personal to the holder it can't be a general notice. Section 44 stipulates the mode which a notice should be presented which the governor did not adhere to. Ononuju v State AG Anambra state the notice was published in a gazette rather than personal. Also the notice is meant to give reasons for revocation else it won't be seen as personal to each plot holder.

The third thing to be considered here is whether there was adequate compensation from the case scenario and the reasons given above chief Ajah is to be compensated because although he might have defaulted the law he was not given personal. Section 6 sub 5 gives the holder of right of occupancy the right to be compensated after revocation of their unexhausted

improvement both under customary and statutory. So obviously he deserves compensation from the government. This answers the second legal issue mentioned above.

My advice to chief Ajah is to seek for compensation because he is liable to it. Although his act for still opening the hotel was wrong. Section 44 states that if not satisfied with compensation given you'll address it to the land use allocation committee where as if compensation was not paid at all you can now address it to the court. Also section 30 states that non satisfaction of compensation should be addressed to the relevant authority. So in essence with statutory laws mentioned above since Chief Ajah was not compensated at all according to section 44 and 30 he can seek for compensation. He can take his case to the high court since they have unlimited jurisdiction on land matters. In Horn v Sunderland corporation it is a compulsory surrender so the compensation should be able to settle the loss. It should be able to restore land owner to his previous state.