**NAME: ADEYEMI .J. TOLULOPE**

**MATRIC. NUMBER: 16/LAW01/010**

**COURSE: LAND LAW (LPB 402)**

**DATE: FRIDAY, 15TH MAY, 2020.**

Test Answer

The legal issues to be resolved in this question are:

1. Whether the actions of the Governor of Kuzland were unconstitutional and above his power
2. Whether the owner of Tarzan Hotel can bring action against the government and be compensated

According to the principles of law, by virtue of **Section 1 of the Land Use Act**, all lands are vested in the state governor. He holds the land in interest of all. For management and control, Areas are divided in two: urban area and non-urban area (**Section 2(1)**). Lands in the urban areas are under the control and management of the State Governor.

Right of occupancy is the right to use and occupy land granted under the Land Use Act. The governor grants a person statutory right of occupancy, regardless of whether it is an urban area or non-urban area (**Section 5**). The Governor has the right to withdraw a person’s right of occupancy. Before revocation is valid, 3 conditions must be met:

1. Purpose b. Valid Notice c. Adequate Compensation

The purpose of revocating right of occupancy is generally referred to as Overriding Public interest, which could be by, according to S. 28(2);

1. Alienating interest in land without Governor’s consent
2. Development of land for public purpose
3. Mining or oil pipeline purpose or any purpose related to this

Valid Notice must be personally addressed to the holder and it must state the purpose of the revocation. S. 44 of the Land Use Act state the modes of delivering the notice to the holder. Failure to comply with procedure for notice in S.44 will make the revocation invalid. Publishing in a newspaper or public gazette is not a valid procedure. **Olateju v Commissioner for Lands and Housing, Kwara State.**

Compensation is given to a person for the value of their unexhausted improvements at the time of revocation. - **Section 29, Land Use Act.**

It is general law that a governor, who executes an executive order, shall only do so according to the confines of the constitution and the statutory powers granted to him.

According to Section 39 of LUA, the High Court shall have absolute jurisdiction when it comes to matters arising under the Land Use Act.

In application of the rules of law, I resolve the first issue in the Affirmative. The Governor’s act was unconstitutional and against the powers granted to him. According to **Section 5 of the Quarantine Law,** the penalty shall be fine and imprisonment. The governor went against this. Also, according to S. 28(6) and (7), a valid notice must be given to the occupier by the Governor before carrying out any revocation on an occupier’s land. The notice here was not valid as it was not written or addressed personally to Tarzan hotel and the purpose was not stated thereof. His executive order was subject to these laws.

I resolve the second issue in the affirmative. Chief Ajah has the right to bring action against the government as the Government went above the exercise of his powers. He can sue them for wrongful revocation and apply for damages.

In conclusion, I advise Chief Ajah to go ahead and sue the Governor of Kuzland in the High Court for invalidly revocating his interest in the land and demolishing his building and apply for damages to be granted to him. He had absolute ownership over his improvement; the building and not the Governor.