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### Answer

#### Legal issues

1. Does the governor have the right to demolish the chief's personal property
2. Was the executive order
3. Can the chief bring and win an action against the governor

The answer to the first legal issue is in the negative which means that the governor does not have the right to demolish a person's personal property as a punishment. The second legal issue is also answered in the negative which means that the executive order made by the governor is unconstitutional and should not be invalidated and the answer to the third legal issue is in the affirmative that is the chief can bring an action against the governor of his state

#### Rules

Section 44(2)(m) of the constitution of the federal republic of Nigeria as amended states that a compensation should be paid to a person whose personal property has been destroyed notwithstanding that all the land is vested in the government. What this section is trying to say is that yes the land is vested in the hands of the government according to the land use act this does not mean the government can go around destroying people's property without being accountable for it.

Although the instant scenario does not have a section in the land use act the act specifies that the right of a person as to his land should not be interfered with by the governor Section 34 (1), (5) and (6) are transitional provisions made for the preservation of interests in land held by persons prior to the commencement of the Land Use Act. The provisions are generally protective of the interest of persons in the land held prior to the commencement of the land Use Act.

In the case of *Obi v Minister, FCT* it was held that the governor has the right to revoke the rights of occupancy on the grounds contained in s. 28 of the land use act. Although the scenario is not about the revocation of the land the same rules still apply the governor cannot demolish

someone's property without a the provisions of s. 28 land use act

### Application

In the instant case it can be seen that the governor took advantage of his power and misused it and this should not be acceptable in the society the better option would have been for him to close down the hotel and make chief pay a fine to get it open for the disobedience.

### Conclusion

My advice to chief is that he should get a good lawyer to file his case to the court it does not mean that he is innocent he will get his punishment but the executive order was unconstitutional and the government should be made to pay a compensation this will teach them not to misuse their power