**Ugwoke Chiedozie Humphrey**

**16/Law01/202**

**Answer**

Advise Chief Ajah

Issue

The Legal issue for determination in this case is if the Governor has the legal authority to demolish the hotel building.

In light of this issue, firstly, by virtue of **Section 1** of the **Land Use Act,1978** it was stated that Land shall be vested in the hands of the Governor of that state within its jurisdiction and such land shall be held in trust and administered for the common good of all Nigerians and people of that state. Section 2 of this Act also states that all land in urban areas shall be under the control and management of the Governor.

The land use act is the overall policy guiding the use and possession of land. In this case the governor, had placed and executive order which would be to the demolition of public places being used for activities against the Quarantine law. The Executive order as we know is not a binding law but an order which can be made in certain situations for immediate response but the Quarantine Law has already prescribed punishment for defaulters in order to reduce the spread of the virus within the state.

In this your case, the Governor has the power to revoke a right of ownership as well as destroy building by virtue of ***Section 28*** of the Land Use Act, but ***Section 28(2)*** of the Act gives the purpose of revocation as being for Overriding Public Interest, it also prescribes procedure for such revocation and as such, the Section provides as follows:

* Alienating of interest without Governors consent
* Requirement of the land for government as well as public purposes
* Required for mining purposes.

So subsequently, judging from his actions to spontaneously demolish your building due to an Executive order which is not a binding law and contrary to the provisions of the Land use act as well as the constitution which gives the right to ownership of property by a person,

Furthermore, ***Section 28(6) & (7)*** of the LUA further provides for the specific procedure for the Revocation of a person’s land which is proper notice and notification sent by the Governor or his representative stating the reason for the revocation or in your case, demolition of the property. This was highlighted in the case of ***Lagos state Development & Property Corp. v Foreign Finance Corp***

Also, it was also highlighted by ***Section 44*** that the Notice shall be served and should be given personally of sent to last known place of abode and if not followed, the right of occupancy cannot be revoked. This was stated in ***S.o. Adole v Boniface B.Gwar***  where it was held that notice was of high importance for revocation of land and further stated that once notification is received, right of occupancy becomes revoked or extinguished.

In sense of this Chief Ajah, I am of the opinion that the action of the Governor of the state was Illegal and highly uncalled for as not only has the punishment for your offence already been instituted in the Quarantine Law and was duly ignored by him, in trying to exercise his absolute power as the Governor and trustee for land of the state has carried out his actions illegally and as such should be looked into, therefore,

I would advise you to file a case to the High court of your state pursuant to Section 39 of the LUA bringing an action of breach of fundamental right as well as breach of the Land Use Act procedure by virtue of Section 28 in revocation of land without proper reason or notification to reissue the land to you as well as compensation for damages incurred from the demolition.