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COURSE TITLE: LAND LAW II

COURSE CODE: LPB 402

LECTURER: BAR. OLUBIYI IFEOLUWA

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 TEST.

ANSWER.

Legal issues:

Whether the act of the government was unconstitutional

Whether an executive order will serve as notice

First issue

There are 3 criterias that must be fulfilled in revocation of occupancy

1. Purpose
2. Notice
3. Compensation

The purpose for revocation is called overriding public interest S28(2) of the land use act,the governor demolished the land based on the executive order and the owner was wrong because It was the Quarantine law that was acting place of the land use act and the governor did not act according to S5 of the Quarantine law , but under land use act the governor has to give a notice before demolishing the hotel and this was where the governor went wrong. under the land use act the governor act was unconstitutional because there was no valid notice before the demolition and the governor’s executive order is inconsistent with the Quarantine law. His act was unconstitutional. There should be a compensation for the hotel that as demolished. And compensation is not for the land but for the in the improvement made on the land

Second issue

No. the executive order ca not serve as notice

Under S28( 6) of the land use act a notice of revocation must be given to the holder and this was

not done. And it must state the reason for the demolition.

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The notice was published in a gazette instead of being personally served and this was invalid.

In conclusion

The governor was wrong to demolish the land. Chief ajah should be compensated for the demolition,