MATRIC NUMBER; 16/Law01/035

NAME: AMOS ANN MELA

COURSE TITLE: LAND LAW II

DATE: 15TH MAY, 2020.

LEGAL ISSUE

The legal issue for determination here is whether the actions of the governor kuzuland is constitutional and does not contravene the procedures stipulated in the constitution and the land use act.

RULE

The rule governing the revocation of rights of occupancy is provided for under section 28  
(5) of the land use act 1978. Were governors were empowered to revoke rights of occupancy for reasons “overriding public interests”. Such reasons involve alienation by an occupier without requisite consent or approval; a breach of the conditions governing occupancy; or the requirement of the land by the federal, state, or local government for public purposes. Only in the last of the this cases would any compensation be due to the holder, and then only for the value of unexhausted improvement on the land. In the case of obi v minister FCT laid down the principle that the governor has the right to revoke the rights of occupancy on any of the grounds in section 28(5).

For a revocation of land to be valid, there must be an issuance of notice by the president saying its required by the government for public purposes according to section 28(4). this was laid in the case of amale v sokoto local government, S.O adole v Boniface b gwar. In the case of obi v minister FCT it was held that the service of notioce of revocation on the holder of a right of occupancy is a condition precedent to the validity of the revocation by virtue of section 28  
(6).

APPLICATION

The act of the governor of kuzuland in demolishing tarzan hotel was constitutional being that section 28(5) provides for the rights of governors to revoke the rights of occupancy if he conditions are met. That is alienation by reasons of overriding public interest. Also, adequate notice was given by the governor. This is because the provisions of section 28(4) notice was stipulated as essential for a revocation of rights to be valid this was also laid down in the case of amale v sokoto local government. The president must issue a notice before the rights and be revoked and he indeed issued a notice to all the bars, hotels restruants etc before demolishing tarzan hotel. Thus the demolision of the hotel by the governor was constituitional and in accordance with the laid down rules in the constitution and also the land use act.

CONCLUSION

In conclusion, chief ajah’s claim will not be successful because the demolition was constitutional and does not contravene the provisions of the constitution and the land use act.