**NWABUKO NNADOZIE**

**15/LAW01/124**

**LPB 402 CONTINOUS ASSESSMENT TEST**

**Question:**

The pandemic Covid- 19 broke out in Kuzuland. The Governor, in pursuant of the powers conferred on him under the Quarantine Law, made an executive order closing down all public places including bars, restaurants, hotels, clubs, event centers, among others.  Any public place which continues such businesses shall be demolished as provided in the executive order.  S. 5 of the Quarantine Law provides fines and imprisonment as the penalty for default.

Recently, Tarzan hotel has been operating in defiance of this order despite warnings. As stipulated in the order, the governor demolished Tarzan hotels.

Chief Ajah, the owner of Tarzan hotel, has been expressing his displeasure on all media platforms. He believes the action of the Governor is unconstitutional and contravenes the procedures under the Constitution and the Land Use Act. For him, even if he were wrong, the punishment was unlawful. He has sworn to contest the Governor’s action in court and get redress. Chief Ajah has approached you for your legal advice.  **Succinctly** advise him with legal authorities as to his chances of success in court in an action contesting the legality of the Governor’s action in demolishing his hotel particularly in the light of the Quarantine law, the Executive Order, the Constitution and the Land Use Act. Assume that the laws of Kuzuland are same as the relevant Nigerian Legislations.

**ANSWER**

In order to properly access the situation, it is of utmost importance to bring to notice, the position of the law with regards to the above problem. In accordance with ***Section 28(1) of the Land Use Act***, it is important to note that the right of occupancy may be revoked by the governor, provided that right to occupation of this land overrides public interest. This is to say that the governor has the right to revoke the right of occupancy if there is a clash between the right to occupy that land, and the public interest of the general public, see the case of ***Ibrahim v Mohammed.***

It has also been provided under the act, various conditions for valid revocation of right to occupancy. This is identified under ***Section 28(5) of the Land Use Act***. It is important to also note that the right to occupancy will be revoked if it is against public interest. It is clear that the Governor in this case has the power to exercise such power, as conduction of the activities of the company of Chief Ajah is against public interest. **Section 28(6)** provides for other reasons why rights can be revoked.

In order to revoke right to occupancy, revocation must be signified under the hand of a public officer duly authorized by the Governor and notice must be given to the holder, **Section 28(6) LUA.** Notice must be personal and must state the reason for the revocation of land, see **Obi v Minister.** Without this notice, the Governor is not empowered to revoke the right to occupancy. The issuance of this notice is to inform the holder on the steps to extinguish his righ.

However, there is compensation for holders of revoked rights of occupancy under **Section 44 of the CFRN.** Thus where there is revocation according to the act, the holder is entitled to compensation for the value. Therefore, Chief Ajah is entitled to compensation. **Section 29** provides for compensation, which is not of .the land, but on the improvement of the land