**NAME: MORINSOLA OBAYANJU.**

**MATRIC NO: 16/LAW01/142.**

LEGAL ISSUE-

The legal issue posed in the given question is whether the Governor of Kuzuland’s demolishment of Chief Ajah’s Tarzan Hotel was valid.

RELEVANT LEGAL AUTHORITIES-

It is lawful for the Governor to revoke a right of occupancy for overriding public interest, as provided in Section 28(2)(b) of the Land Use Act, 1978, hereinafter referred to as the ‘LUA’.

However, any exercise of this power outside the confines of Section 28 of the LUA can rightly be regarded as being against the policy and intention of the Land Use Act resulting in the exercise of that power being declared invalid, null and void, per Mohammed JSC in the case of CSS Bookshops v Registered Trustees of Muslim Community in Rivers State.

Furthermore, it is a prerequisite, before the Governor can exercise his right to revoke a right of occupancy, to serve a notice of revocation personally to the holder of the right of occupancy, as provided in Section 44 of the LUA.

Failure to serve such notice constitutes non-compliance, thus rendering any subsequent revocation invalid, null and void, this is as established in the cases of Ononuju v AG Anambra State and Olateju v Comm for L& H Kwara State.

Consequently, upon a careful consideration of the above, Chief Ajah’s chances of success in court in an action contesting the legality of the Governors action of demolishing his hotel is indeed very high.

APPLICATION-

Applying the given question, the penalty for defaulting the Governor’s executive order were fines and imprisonment under Section 5 of the Quarantine Law. The Governor however demolished Chief Ajah’s Tarzan Hotel. Thus in contravention of the very laws he made.

Oguntade JSC in the CSS Bookshops case noted that ‘fairness, even handedness and above all, respect for the rule of law is what should characterize the behaviour and standards of public officials’.

It is imperative for Governors to uphold the rule of law by complying with the provision of the law in the exercise of their powers.

Thus, it is rightly concluded that the action of the Governor of Kuzuland in demolishing Chief Ajah’s Tarzan Hotel is invalid, null and void.

CONCLUSION-

On the authority of the CSS Bookshops case, this writer’s legal advice to Chief Ajah is to seek redress in a court of competent jurisdiction, which in this case is the High Court of Kuzuland, pursuant to Section 39 of the LUA, pari materia with Section 272 of the Constitution of the Federal Republic of Nigeria.

Chief Ajah should also seek compensation for the value of the unexhausted improvements, at the date of the revocation of his right of occupancy over Tarzan Hotel from the Governor of Kuzuland, pursuant to Section 29(1) of the LUA.

‘Unexhausted improvements’ here means anything of quality permanently attached to the land directly resulting from the expenditure of capital or labour by the occupier of land, as established in Section 51 of the LUA.