**NAME: BONNET MOSES SUNDAY**

**MATRIC NO: 16/LAW01/050**

**COURSE: LAND LAW**

**LECTURER: MRS. OLUBIYI**

**CONTINOUS ASSESSMENT TEST**

The legal issues for determination in this given scenario are:

* Whether the governor had the power to revoke the statutory right of occupancy of Chief Ajah.
* Whether Chief Ajah’s claim would be successful in court.

The rule or principle that guides this scenario is Section 28 of the Land Use Act, which states that a right might be revoked by the Governor for overriding public interest. This power given to the Governor is applicable to both statutory and customary right of occupancy. Section 25(5) further gives the Governor rights to revoke the statutory rights of occupancy. Even though section 28(6) provides that before land can be revoked from an occupier the governor must provide a notice stating the purpose for which the land is required. Section 5 of the Quarantine Act provides that the penalty for breaching rules for the act is a fine or imprisonment for 6 months. This entails that the Governor has to state the purpose for revocation, issue a notice and there should be adequate compensation in cases before a revocation can be valid, this was state in the case of THE ADMNISTRATION/ EXECUTORS OF THE ESTATE OF GENERAL SANI ABACHA (DECEASED) V SAMUEL DAVID EKE-SPIFF & 3 OTHERS.

Applying this rules or principles to this scenario, the Governor has the right to revoke the statutory rights of occupancy because he has been given the power by the law to revoke the right of occupancy of the occupier of land where the occupier overrides public interest and he did because the governor had given a law that no public place or event center should be open or else there would be demolition. The Governor should be right if he revoked the right of occupancy but he went ahead to demolish which is wrong by the law because the quarantine law stated that defaulters should pay fines or serve jail time.

In conclusion, Chief Ajah might succeed on the grounds that the Governor didn’t have rights to demolish the hotel and probably didn’t even complete the requirements for revocation which are purpose, notice and compensation. With this I would suggest that the Governor was wrong for demolition and Chief Ajah can sue.