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**MATRIC NO: 16/LAW01/135**

**COURSE TITLE: LAND LAW**

**TEST ANSWER**

The legal issues to be determined in this scenario are as follows:

* Whether the governor has the right to place a lockdown of certain public places and also give an order for the demolition of the hotel?
* Whether Chief can contend with the actions of the governor in a court of law and if he can, which court?
* Whether the act of the Governor is an unconstitutional one?

This scenario deals with the revocation of certificate of occupancy. SECTION 28 provides that a right of occupancy maybe revoked by the governor for overriding public interest. Subsection 5 of this provision provides the grounds on which a governor may revoke a statutory right of occupancy. In terms of subsection 6 of this section, notice of revocation is very important. In a situation such as the Covid -19, the government enjoys the constitutional power to place a lockdown which is beneficial to the public based on the quarantine laws to protect and save the lives of citizens living in that state. This act therefore cannot be said to be a selfish act. Before revocation of right of occupancy can occur notice and service of the notice of revocation are two requirements which must be strictly complied with as was held in the case of S.O ADOLE V BONIFACE B GWAR. In ONUNUJU v AG ANAMBRA STATE, it was held that publication of a notice in the gazette without personal service on the same person does not make the acquisition valid.

The actions of Chief Ajar violated the quarantine laws which were put in place , thereby endangering the life of his staff, those resident in the hotel as well as the lives of the citizens and his life. By virtue of SECTION 5 OF THE QUARANTINE LAW, the Governor’s action was constitutional as it clearly stated that imprisonment and fines as well as were to be the punishment for going against the law put in place. Therefore, Chief Ajah was wrong in his actions and the actions of the governor is constitutional as it is not against the rules of the QUARANTINE LAW which means that Chief Ajar cannot contest the matter in court and has no high chances of success.

In conclusion,the action of the governor was a constitutional one and Chief Ajar cannot contest the matter in court as the demolition of the hostel was the punishment which the governor was to mete out as provided for by section 5 of the quarantine law.