NAME: OGHUVWU OGHENEKEVWE PEACE

MATRIC NUMBER : 16/LAW01/153

LAND LAW TEST

The Legal issue in this scenario is whether the Governor’s action to demolish Tarzan Hotel was Unconstitutional and contravenes the Procedures under the constitution and Land Use Act .

Now, this borders revocation of a right of occupancy. To answer the legal issue, we have to understand the scenario correctly and the guidelines for a revocation of a right of occupancy. On the scenario, because of the pandemic, the governor issued an executive order which stipulates that the punishment breach of that order is demolition of property. However, an executive order will only be effective if it is consistent with the existing laws of the land. Now, this particular executive order is inconsistent with section 5 of the Quarantine law. So on this ground, the Governor’s punishment is wrong seeing as it is inconsistent with the quarantine law.

Furthermore, the Land Use Act by virtue of Section 28, gives the grounds on which a right of occupancy may be revoked. It is sufficient to say that any exercise of the power of revocation for purposes outside those outlined or enumerated by section 28 of the Act or not carried out in compliance with the provisions of section 28 will be declared void. Now this case does not relate to any of the grounds for revocation. So on the authority of the Land Use Act, the governor is in the wrong.

Furthermore, constitutionally, every citizen of Nigeria is entitled to the right to own personal property as embodied in Chapter 3 of the Constitution .The Governor has done an act which inconsistent with the constitution by stripping Chief Ajah of that singular right.

Lastly, the Governor didn’t give prior valid notice to Chief Ajah before taking action to revoke his right of occupancy as stipulated in section 28. The case of Ononuju v AG Anambra sate.

Conclusively, I would advice Chief Ajah to proceed to court as his chances to succeed are high