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Answer

Legal issues:

Whether the actions of the governor of Kuzaland is unconstitutional and contravenes the procedure spelt out by the constitution and land use act?

Principle:

Section 5 of the Quarantine act states that “any person contravening any regulations made under this Act

Shall be liable to a fine of 200 naira or to imprisonment for a term of six months or to both”

Section 44 (1) of the constitution of the federal republic of Nigeria 1999 provides;” no moveable or immovable property shall be taken possession shall be acquired compulsorily in any part of Nigeria except in a manner and for the purpose prescribed by law”

Section 28(7) of the land use act provides; “the title of the holder of a right of occupancy shall be extinguished on receipt by him or notice given under subsection (6) of this section or such later date as may be stated in the notice. The whole of section 28 states the procedure for revocation of property

Application

Applying the above principles to the scenario. The actions of the governor of Kuzaland is unconstitutional and contravenes the procedure for compulsorily acquiring a property (in this case demolition of property) set out in section 44 of the constitution and section 28 of the land use act.

An executive order is a mere subsidiary legislation and it is in no way more superior than the Quarantine Act.

The proper procedure is to serve notice to chief Ajah stating reasons for the revocation. The issue should be then filed in court for the proper interpretation of the quarantine act and for the proper punishment to be given; be it a fine, imprisonment, confiscation of the property etc, which will be in the interest of public safety and health (overriding public interest).

In the cases of *S.O Adole v. Boniface B. Gwar* and *The executors of the estate of general Sani Abacha v. Samuel David*, the court held that not following due procedure stated out in the act invalidates revocation of right of occupancy.

Advice / conclusion

In my legal opinion, I advise Chief Ajah to institute a claim in court against the Kuzaland governor because his actions were unconstitutional.