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MATRIC NUMBER:16/LAW01/169  
COURSE:LAND LAW  
DATE:15th MAY 2020

#### ANSWER

The legal issue of this situation is whether the governor has the right to revoke the holder's right of occupancy.

The answer to this legal issue is in the negative.

The basis of this is that there are certain grounds on which a governor can revoke right of occupancy.

This is provided under section 28 of the act which states that rights of occupancy may be revoked by the governor for overriding public interest. This includes for public purpose or building of school, alienation contrary to provisions of the act and mining.

Some other subsidiary rules are provided in section 28(5) of the act. The above act gives the governor the right and grounds on which he has the right to revoke a holder's right of occupancy. Any exercise of power of revocation for purposes outside those enumerated by section 28 of the act will be against public policy. This is unlawful and also unconstitutional. In the case of *Ibrahim v Mohammed*, the Supreme Court emphasizes the issue that where a person's land or title is to be revoked it should be done for public purpose or public interest which the exclusive order does not fall under.

If right of occupancy is to be revoked it should be for the reasons and grounds outlined in section 28.

The constitution gives everyone right to property and the government must act with accordance with the law for the reason that the exclusive order does not override the land use act.

If the governor was to revoke right of occupancy, he is required to serve the holder with a notice of revocation. In the case of *Adele v Bono Face*, the Supreme Court held that notice of revocation of title and service to such holder are two mandatory requirements that have to be complied with. The holder is to be compensated for by a resettlement in any other place by way of reasonable alternative accommodation where the circumstance permits.

I would advise Chief Ajah that revocation of the right of occupancy by the governor is wrong according to the law. He had no rights to revoke his property. It is unlawful and unconstitutional and Chief Ajah is within his rights to seek compensation for revocation.