NAME: EDAKO NJURE ESTHER

MATRIC NO: 16/LAW01/062

COURSE TITLE: LAND LAW

MRS OLUBIYI

LEGAL ISSUES:

1. Whether the governor had the power to revoke the statutory right of occupancy of chief ajah
2. Whether his claim will be successful in court

* In line with the governor’s orders which were supposed to be for the good of the people to help prevent the spread of the pandemic, Tarzan hotel was demolished in defiance to the order. Chief ajah, the owner of the hotel belives the actions of the governor were unconstitutional and contravenes the procedures under the Constitution and the Land Use Act. For him, even if he were wrong, the punishment was unlawful.
* An executive order cannot be sufficient notice. The notice is to be directly addressed to the person in question.
* .Section 28(6) of the land use act states that the notice must be given personally to the person. Notice was given alright but as a public order not personally so the actions of the governor were wrong.

The governor’s act is wrong, according to Section 5 of the quarantine law, the governor stated the punishment should be fines and imprisonment but he went ahead to demolish the building, he should have issued a due notice to them instead demolishing it right away. The executive order is however inconsistent with the constitution and provisions of the land use act. Executive orders must be tandem with the laws of the land already in place and this provided for in section 315 of the CFRN. Although the actions of chief ajah by opening his hotel overrides public interest, proper notice has to be given before such revocation should take place. According to the case of Amgbe v sokoto local government, a right was revoked without proper notice or purpose was void and unconstitutional and this is also backed up by section 33(2) of the CFRN.

In conclusion Chief Ajah can sue due to lack of valid and personal notice.