Onyemaechi Jennifer Olachi

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Land Law Test

15/05/2020

The legal issue is whether the governor’s revocation of Chief Ajah’s right of occupancy is constitutional.

I resolve this legal issue in the affirmative.

Now, going by the provisions of the Section 28 of the Land Use Act, it shall be lawful for the governor to revoke a right of occupancy for overriding public interests. Also, going by the provisions of the executive order which was issued by the Governor of Kuzuland, a closure of all public places including event centers, bars, restaurants, hotels, clubs, among others because of the Covid-19 Global pandemic. Any public place which continues such businesses shall be demolished as provided in the executive order and Section 5 of the Quarantine law also provides fines and imprisonment as penalty for default.

Also going by the provisions of Section 28(6) of the Land use Act, the revocation of a right of occupancy shall be signifies under the hand of a public officer duly authorized in that behalf by the governor and notice thereof shall be given to the holder.

Now, applying the aforementioned rules to the given scenario, it can be seen that an executive order for the closure of all public places due to the break out of Covid -19 pandemic which was given to the citizens of Kuzuland constitutes an actual notice.

A notice is a very essential condition for the revocation of a right of occupancy and it has to state the reason for the revocation.

Also, going by the scenario, Chief Ajah was aware of the executive order and was operating his hotel in defiance of the order and had also received several warnings to that effect. The several warnings he had received constitutes a notice of the revocation of his right of occupancy in line with the executive order which was issued by the governor of Kuzuland.

Also, Chief Ajah;s who had been operating his hotel despite the executive order to close all public places due to the Covid-19 pandemic puts the public at risk as such constitutes an overriding public interest.

In the case of Amale v. Sokoto Local Government, the defendants who demolished the plaintiff’s building was held to be constitutional because of overriding public interest.

Chief Ajah’s action against the governor would not succeed in court because the governor’s action was constitutional and in line with the aforementioned Statutes as Chief Ajah’s action was against public policy.

In conclusion, Chief Ajah is not entitled to any form of compensation as provided for in the Land Use Act instead he can be imprisoned or made to pay a fine as punishment for default going by the provisions of Section 5 of the Quarantine laws. The governor’s act of demolishing Chief Ajah’s hotel, thus revocating his Right of Occupancy was also within his powers and is constitutional.