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**LEVEL: 400**

**MATRICULATION NUMBER: 16/LAW01/027**

**COURSE CODE: LPB402**

**COURSE TITLE: LAND LAW II**

**ANSWER**

The legal issue is:

Whether the act of the government was unconstitutional and contravened the land use act, the quarantine law, the constitution and the executive order;

Whether chief Ajah can contend the actions of the governor in a court of law;

ISSUE 1

Section 1 of the land use act gives the governor power to grant land to citizens as the government in this present constitution has control over land. However this right is not absolute. Under section 5 the governor has the right to grant statutory right of occupancy as well as revoke this right as stated in section 28.So under the land law, the governor was wrong in demolishing the hotel because he did not give chief Ajah personal notice about the revocation to be done by demolishing. The case of Ononuju v. A.G Anambra state supports this. Also, in Olateju v. Commissioner of land house Kwara state, notice was not served personally.

Under the quarantine law and executive order, the governor had the right to demolish the hotel and have the defaulter pay fines or face imprisonment. Since the hotel is a public place, his actions endangered the lives of citizens of the state.

ISSUE II

Section 47 of the land use act says that no individual can contend with the actions of the governor on issues pertaining to land. If the quarantine and executive law, contained that the governor did not have a right to take extreme actions. Chief Ajah could contend but unfortunately, section 5 of those laws did not and put the consequence of a default instead.

In conclusion and by advising chief Ajah, he could bring an action under the land use act to the state high court where he could be compensated but he will not get that if he brought it under the quarantine law and executive order because he would be imprisoned or fined.

Either ways I basically feel he should accept his fate as section 47 of the land use act prohibits an individual from contending land issues with the governor.