ILIYA-EZEKIEL NDATSE.

16/LAW01/107.

LAND LAW (LPB402).

400 LEVEL.

The legal issue is whether the demolition of Tarzan hotel by the governor is constitutional and legal, and whether Mr Ajahs claim will be successful in court.

The General rule as regards to revocation of statutory right of occupancy, before such right can be revoked, it must meet three criteria;

* There must be purpose.
* There must be a valid notice.
* There must be adequate compensation.

The purpose of revocation must be on grounds of overriding public interest. According to SECTION 28 OF THE LAND USE ACT, it shall be lawful for a governor to revoke a right of occupancy for overidding public interest.

SECTION 28(4) Stipulates that there must be adequate notice .

SECTION 29 (1) stipulates that the holder is entitled to compensation adequately for value at the date of revocation.

Quarantine Law grants power on the governor to made an executive order closing down all public places including bars, restaurants, hotels, clubs, event centers, among others. SECTION 5 of the Quarantine Law provides fines and imprisonment as the penalty for default.

According to SECTION 48 OF 1999 CONSTITUTION has right to own property.

Applying this principle to the scenario, the Quarantine law makes provision for fine and imprisonment not demolition and demolition is inconsistent. However the most appropriate law which is applicable here is the LAND USE ACT because it provides for the required provision which a persons right of occupancy can be revoked. And the Quarantine law is not consistent to the laws of the other laws. And going with the LAND USE ACT, Mr Ajah can bring an action in court. By the provisions of the Land use act the governor is wrong because he didn’t follow the right process for revocation.