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Course: Land Law

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Answers.

Issue-Whether the power of revocation exercised by the governor is constitutional.I will resolve this question in the affirmative.

Rule-Section 28 of the Land use act establishes the revocation of right of occupancy.

It shall be lawful for the governor to revoke a right of occupancy for overriding public interest.

Amale v Sokoto local government

Section 28(5)-the governor may revoke a statutory right of occupancy on the ground of

a.)a breach of any of the provisions which a certificate of occupancy is by section 10 of the land use act.

b) a breach of any term contained in the certificate of occupancy or in any special contact made

c)a refusal to neglect to pay or accept for a certificate of occupancy.

According to the 5 of the quarantine law,the quarantine law provides fine and imprisonment as the penalty for default .

Section 28(6) 0f the land use act-Valid notice

It is said that in law,a law always serves as a valid notice .Also,the governor had asked that everywhere be shut down due to the covid 19.

Application-In application to the rule,the Governor had every right to demolish the building because Chief Ajah had refused to heed to the instructions given by the governor according to Section 5of the quarantine law as given in the scenario.It was said that Tarzan hotel was still operating in deviance despite the warnings meaning that Chief Ajah had in one way or the other either through a valid notice or through the law which was passed by the governor.

In conclusion,the action of the Governor was not unconstitutional because Chief Ajah had recently breached the quarantine law under Section 5.Also,under the penal revocation,the act confers powers on the governor to acquire land and land rights without compensation.Therefore,in advising Chief Ajah,I believe Chief Ajah cannot succeed in an action against the governor because the governor had the right to demolish the building since Chief Ajah did not heed to the law.Also,Chief ajah is NOT entitled to compensation by the governor.Savannah Bank v Ajilo.