

NAME: AGORUA JOY NWABATA

MATRIC NO: **16/LAW01/019**

COURSE: LAND LAW

ANSWER

The Legal issues for the determination of the given pose are as follows:

- . Whether the Act of demolition by the governor is unlawful
- . Whether the Executive Order can serve as a notice under the provisions of the Land Use act.

WHETHER THE ACT OF DEMOLITION BY THE GOVERNOR IS UNLAWFUL

This is answered in the affirmative. The act of demolition by the governor is inconsistent with the provisions of Sec 5 of the Quarantine Law which provides Fines and imprisonment as the penalty for default. It is worthy of note that the Quarantine Law is the law acting in Kuzuland for the period of the COVID 19 outbreak and although some may argue that the governor was acting on the powers conferred on him by the Quarantine Law by creating an executive order, we have to remember that a delegated power cannot override the general rule governing the land. And the governors punishment of demolition is against the Quarantine Law punishment of Fines and imprisonment.

WHETHER THE EXECUTIVE ORDER CAN SERVE AS A NOTICE UNDER THE PROVISIONS OF THE LAND USE ACT.

This is answered in the negative. Sec 28(6) provides that the revocation of a right of occupancy shall be signified quiver the hand of a public officer authorized by the governor and notice thereof shall be given to the holder. This means that the notice should be personal to the holder and the reason stated. General notice given to the public does not suffice as seen in the case of Ononuju v AGORUA Anambra State. So may argue that several warnings were issued to him but according to Sec 44 of the Land Use act a notice is to be delivered to the person whom it is served by leaving it at the last known abode of the person or by sending it in a prepaid registered letter addressed to the person.

ADVICE.

I would advice Chief Ajah to go forward with his case as he has a high chance of success as he is entitled to payment for damages and adequate compensation by virtue of Section 29 of the Land Use Act. Because the demolition of Tarzan hotel by the governor was unlawful and went against the provisions of the Quarantine Law and adequate notice was not tendered to him to warrant a revocation of his his right of occupancy.