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Answer

In answering this question, the Quarantine law, the Executive order, the constitution and the Land Use Act are similar to Nigerian legislation.

This questions borders on the powers of the governor in relation to Chief Ajah's right of occupancy. Based on the factual scenario the legal issue(s) for determination are as follows:

1. To examine the powers of the governor over the Chief Ajah's right of occupancy.
2. To examine whether the governors actions contravene the provisions of the Constitution of Kuzuland and the Land Use Act.
3. The legal status of executive orders.
4. Is Chief Ajah entitled to any remedy.

This writer proceeds to address the legal issues seriatim.

On the first issue, the Land Use Act in its preamble states that all land is vested in the Governor of the State and is to held in trust for the people. Section 1 goes on further to state that subject to the provisions of the Act, all land comprised in the territory of each states in the federation is vested in the governor of that state. This Section vests the governor with radical title to land.

Also, in **Section 5(1) of the Land Use Act** the Governor is legally empowered to grant statutory right of occupancy and revoke such right of occupancy on ground of overriding public interest as stipulated in accordance with Section 28 of the Act. This connotes that the governor must before such revocation state the purpose of such, give notice and provide adequate compensation.

Hence, the governor exercises radical power in relation to a persons right of occupancy.

On the second issue, following the provisions of the Quarantine Act the governor is empowered to make laws to aid the prevention of and virus. In accordance with the Act any violation of such law will warrant a fine as stipulated in section 5.

According to **section 43** of the Constitution of Kuzuland, every individual is entitled to own property. Also, **section 36** of the same constitution provides for fair hearing. Also section 36 states that a person cannot be tried for a crime not provided for by law.

In applying these provisions of the constitution to the factual scenario, it is evident that the governor acted above his stipulated powers in the Land Use Act particularly because he violated Chief Ajah's right to fair hearing (audi altered parter-hear the other side). Also, the governor violated Chief Ajah's right to own property.

Like so, **Section 7 of the Quarantine Act** empowers the Magistrate Court to convict any person accused of an violation of quarantine protocols. Hence, such act was unconscionable and outside the jurisdiction the governor.

The aim and purport of the Land Use Act is to protect the interest of persons with valid title to land as stated by the court in the case of **Shell Petroleum Development Company v. Amadi and others**. Although, the Land Use Act grants radical powers to the governor his actions are subject to the Constitution as **Section 1(1) and (3)** state the the constitution is supreme and any law contrary to its provisions are null and void.

On the third issue, executive orders are essential in emergency periods and can be utilized in such times pursuant to the **Quarantine Act**. However, they are not intended to be used to violate the rights of persons. In the case of **Faith Okafor v. Governor of Lagos State & Anor**, it was held that the accused could not be punished for an offence that was not defined by law to be a crime. Executive orders are expedient but are not an excuse to violate the fundamental rights of citizens.

On the fourth issue, Chief Ajah is entitled to compensation pursuant to **section 29** of the **Land Use Act** however, issues pertaining to compensation are beyond the jurisdiction of the jurisdiction of the courts as stated in section 47(2) and reporting any issue to the Land Use and Allocation Committee might yield no positive outcome as the governor appoints its members which in turn violate the principle of fair hearing that states that one cannot be a judge in his own case.

In conclusion it is this legal practitioners advise that Chief Ajah sue the state on ground of the violation of his fundamental human rights which are justiciable. In this regard, Chief Ajah may be entitled to damages for the losses he incurred and the governor acted contrary to the provisions of the constitution.