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**MATRIC NO: 16/LAW01/129**

**COURSE: LAND LAW**

The legal issue of this question is **whether Governor of Kuzuland has the power to demolish Tarzan Hotel. In other words, whether the actions of the Governor in demolishing the hotel is unconstitutional**?

Secondly, **whether or not the actions of the governor were right in the circumstances?**

Thirdly, **whether or not the executive orders or powers of the governor would prevail over the constitution in the event of a conflict.**

From the above scenario, it is pertinent to understand the meaning of the constitution and also the executive orders of the governor and also stating Section 1(1,2,3) of the 1999 constitution.

The Governor is the custodian and the trustee of all lands in the state. He has the right to demolish any land or revocate any right of occupancy or take up any land but it must be premise on public interest. The actions of the Governor in demolishing Tarzan Hotel is very unconstitutional. It was not acted based on the punishment under the quarantine law. The act of the Governor is unconstitutional, it contrives the Land Use Act and the quarantine law. The actions of the Governor was not in line with the quarantine law though the Governor has the executive order and the constitutional right to take up any land but it must be premise on public interest. The punishment stated in the quarantine law was just for fines but the Governor delomished the hotel which contrives the quarantine law so the act of the Governor is very wrong.

Chief Ajah, the owner of Tarzan hotel can go to court to contest the punishment that was melted out on him.

This scenario is based on the revocation of right of occupancy. Section 28 of the Land Use Act gives the governor the right to revoke the right of occupancy. For revocation to be valid, three things must be involved and without that, the revocation will be nullified.

These are: (a) Purpose (b) Valid notice (c) Adequate compensation

In the case of Amale v Sokoto Local government, the case was under the basis of overriding public purpose. The purpose of the governor demolishing the hotel was because Chief Ajah failed to adhere to the instructions given by the state.

The purpose of giving notice of revocation of a right of occupancy is to duly inform the holder of the steps being taken to extinguish his or her right of occupancy. In absence of a valid notice of revocation, the purported revocation of the right of occupancy will be ineffectual. Notice is a valid requirement before there can be revocation. The notice must be personal to the holder, it cant be a general notice. As stated in Section 44 of the Land Use Act. Notice of revocation of the right of occupancy can be seen in the case of Onouju v AG Anambra state.

Where the right of occupancy is revoked in respect of any developed land on which residential building has been erected, the government may offer, in lieu of pecuniary compensation, resettlement in any other place by way of a reasonable alternative accommodation where the circumstances permit.

In conclusion, Chief Ajah can sue the Government for destroying Tarzan Hotel in terms of the Provision of Section 30 of the Act, any dispute as to the amount of compensation calculated in accordance with the Act shall be referred to the appropriate Land Use and Allocation Committee. The High Court has the jurisdiction to determine any question as to the persons entitled to compensation payable under the Act.