NAME: ZIBIRI MANASSEH

MATRIC NO: 16/LAW01/211

COURSE: LAND LAW

COURSE CODE: LPB 402

DATE: 15TH MAY 2020

The legal issue for determination in the scenario is as follows;

1. Whether the Governor of Kuzuland has the power to revoke the statutory right of occupancy of Chief Ajah
2. Whether Chief Ajah’s claim would be successful in court

In accordance with **Section 28 (6) of the Land Use Act**the revocation of a right of occupancy shall be signified under the hand of a public officer duly authorised in that behalf by the Governor and notice thereof shall be given to the holder. In the above case due notice was not given to the occupant before his hotel was demolished therefore there was a breach in his right of occupancy. **Section 44 of the Land use act** states the procedure for due notice which the Governor did not put into action before demolishing the building this procedure is as follows;

Any notice required by this Act to be served on any person shall be effectively served on him

(a)       by delivering it to the person on whom it is to be served: or

(b)       by leaving at the usual or last known place of abode of that person: or

(c)        by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode: or

(d)       in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending to in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(e)        if it is not practicable after reasonable inquiry to ascertain the name or address of a holder or occupier of land on whom it should be served by addressing it to him by the description of "holder" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises. Executive notice is not sufficient as seen in the case Ononoju v. A.G. Anambra State.

The purpose was not stated by the Governor for the revocation of his property. In accordance with Section 29 which states that where a right of occupancy is revoked for public purpose, the holder shall be entitled to compensation for the value of the land at the date of revocation of their unexhausted improvements. In this case, there was no form of compensation given to Chief Ajah which means the governor had breached his statutory right of occupancy. Also the Section 5 of the Quaratine law is not adequate to overturn laws that are stated in the constitution which governs the whole state in accordance with Section 315 of the Constitution of the Federal Republic of Nigeria. The quarantine law also states that failure to comply would bring about a fine punishment or imprisonment the Governor did not follow this which therefore deems his actions unconstitutional.

Chief Ajah’s claim would be successful in court because there is a breach on his statutory right of occupancy in accordance with Section 28 of the Land use act.

In conclusion I believe Chief Ajah can sue the Governor to court for a breach on his statutory right of occupancy. He can sue for the following; the purpose was not stated, there was no valid notice before his hotel was demolished and there was no adequate compensation given to him. Also the Quarantine law must be in tandem with the laws of the land therefore it can not change or affect any law that is already stated in the constitution.