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MATRICULATION NUMBER: 16/LAW01/058

COURSE TITLE: LAND LAW

LEVEL: 400LEVEL

DATE: 15TH OF MAY,2020

TEST.

The legal issue is whether the act of the government had power to revoke Statuory right of occupancy of Mr Ajah and whether his claim will be successful.

And also, whether an executive order will serve as notice.

The right of Revocation is vested on the Governor. Revocation of the occupancy must be done through a notice delivered personally to the person. Where a right of occupany is stated to be revoked for public purpose, there is the need to spell out public purpose in the notice of revocation. Right of Occupancy is the right to use and occupy land as granted under the Act. The writer would like to state that an order is no valid notice as it must be personal. Therefore there was no notice.

In the scenario given, the governor did not give a personal notice before his punishment. There must be a valid notice issued. The case of Ononuju V A.G Anambra state supports this statement and in the scenario, it can be seen that there was no such notice.

Section 28 of the Land Use Act denotes that a right of occupancy may be revoked by the governor for overriding public interest.

According to Section 5 of the Quarantine law, it was stated that fines and imprisonments were the penalty for default and not demolition. Therefore the governor is wrong for demolishing the hotel even though he gave an executive orde , he should have given a valid notice to the hotel before demolition. The executive order given is not in correlation with the Quarantine law. The notice given must be direct and not to the public for it to count. The case of S.O Adole V Boniface B Gwar supports that a public notice is not valid.

Section 28(6) gives requirement and it states that the Governor is empowered to revoke a Right of Occupancy only after issuing a notice. The case of PIP Ltd V Trade bank Ng ltd supports this statement. Section 28(6) provides that the notice must be personal. Therefore, the executive order made by the Governor is not adequate to revoke the hotel.

In conclusion, Ajah can sue successfully because he was not given or rather issued a direct notice by the Governor before demolition of the hotel.