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Matric number; 16/law01/158

Level; 400

Course; land law

Lecturer; Mrs Olubiyi

Test

Legal issues

1. Whether the governor had the power to revoke the statutory right of occupancy of chief Ajah’s
2. Whether chief Ajah’s claim will be successful in court.

The land use act gives the Governor of each state the right over the land of his state asides land to be used by the federal Government. Section 1 of the land use act vest all land in the governor. The governor has absolute title to the land of each state. However before a governor can revoke a right of occupancy, theyre 3 criterias under section 28 of the land use act that talks about the right of the Governor to withdraw the right of occupancy. These criterias are (a) purpose (b) there must be a valid notice (c) adequate compensation. These criterias must co exist before revocation must be valid.

In light of the above, an executive order was laid down to prevent all bars, restaurants, shops, etc to close down to reduce the rapid spread of the virus. the same executive order mentioned that defaulters would be punished and buildings demolished. The governor in accordance with the quarantine act went ahead to revoke the right of occupancy of chief ajah and demolished the property. Following the provisions of the land use act on revocation of title, the Governor has not followed all the requirements before demolishing the property of chief ajah. In obi v minister of fct, each of the following must be met (a) breach of any condition in the C of O, (b) refusal to pay for certificate, (c) breach of any of the provisions of certificate of occupancy by section 10 of the land use act. Even though a public notice was issued, it isn’t a registered law which its default could amount to a demolishing of the property.

This writer in light of the above feels the governor hasn’t acted in full accordance with the land use act in respect to the criterias laid down in section 28 of the land use act and in the opinion if this writer, the governors actions are wrong. Chief ajah has the right to bring an action in court against the governor or the state for the unlawful demolishing of his hotel.