16/law01/192

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Land Law Test

In the legal scenario presented, there lies two legal issues

1. Whether the governors act of demolition of the hotel was unconstitutional or not;
2. And if the executive order can serve as notice for revocation of right of occupancy for overriding public interest under the specifications provided for in the land use act.

By virtue of S. 28 of the Land Use Act, the governor is empowered to revoke the right of occupancy for reasons overriding public interest. For the purpose of s 28, overriding public interest includes the alienation by the occupier of any right of occupancy contrary to the provisions of the act or any regulations made thereunder. It is also noteworthy to state that in judicial decisions where the reason for the revocation of a right of occupancy must be stated in the notice is in situations where it needs to be revoked for a public purpose.

Furthermore, under Kuzuland law, an executive order is only valid when the governor acts within the boundaries of their constitutional and statutory authority and it is not within the governor’s authority to revoke a statutory right of occupancy without notice.in addition, any executive order is supposed to be in accordance with the laws of Kuzuland as encapsulated in the Constitution.

Under ***S. 28 (6)*** any revocation of a right of occupancy shall be signified under the hand of a public affidavit duly authorized in that behalf by the governor and notice shall be given to the holder. The notice must state the particular purpose for which it is required and the mode of service must comply with provision of the Act otherwise the notice would be void. By ***S44 (a) (b) (c)*** any notice for this purpose must be served to him/her directly and personally.

In the case of ***S.O Adole v Boniface B. Gwar publication*** in a gazette a notice of revocation without a personal notice to the persons concerned does not make a revocation valid. Also the case of ***Ononuju v A.G Anambara*** State on valid notice

In light of the foregoing, though the demolition was carried out by the executive order of the governor it could be said to be unconstitutional because

1. There was no adequate notice as the notice was not delivered personally to the client and as such and revocation will be void; and
2. The executive order was inconsistent with the quarantine law that stated the penalty for default of the closure of all businesses will be imprisonment and fine. And even though the governor was given power under this Quarantine law and executive order must be executed within the boundaries of his constitutional and statutory authority

In conclusion, the client Chief Ajah has a valid claim in court in contesting the legality of the governor’s action of demolishing his hotel.