

Oluwatoni Adekunle

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Land Law Test

The legal issue for determination is whether the Governor had the jurisdiction or the power to demolish Tarzan Hotels in adherence to the Quarantine Laws.

This has to deal with the revocation of the right of occupancy for overriding public interest, which can be found in Section 28 of the Land Use Act, which states that a certificate of occupancy by a Governor can be terminated for Public policy, like mining or oil pipelines or generally the building of something that can generally affect the good of the people. It should be noted that it would be regarded as null and void if the Governor takes a person's property for selfish reasons, it would not be regarded as Public Interest, in the case of *Stodie Ventures Ltd V Alamieyeseigha*, in this case the appellany claimed against the respondent a delclaration of title to a parcel of land and sought for injunction. The notice given to him said it was for overriding public interest but it was allotted to his wife, the plaintiff sued and it was held that it is unconstitutional to revoke a person's certificate of occupancy for selfish reasons.

Also for a certificate of occupancy to be revoked it states that the occupier has to be notified, stating the reason for his eviction stated in Section 28(6) of the Land Use Act. A notice is supposed to be served or by leaving it at thr usual or last known place of the abode of that person. In the case of *S.O Adole V Boniface B. Gwar*, the Supreme Court held that notice of revocation of title and service of such notice to with where a title to a piece of land is revoked.

The principle thereby says that for a certificate of occupancy should be revoked there has to be underlying public interest and there has to be notice duly given to the occupier of the land and property, if not the order to revoke occupancy would be declared null and void by the court. The case of *Goldmark Ltd v Ibafor* also states publication in the gazette does not suffice as notice that the occupier has to be issued a personal notice to the land user to be valid in court with requisite compensation. Section 44 of the constitution also provides for prompt payment of compensation to the occupier of the land which can be seen in the case of *Horn V Sunderland*, he owned a land that was initially used for the breeding of horses, but the government sent a notice to confiticate the land and the resources in it which included gravel, sand and limestone, he sued for the compensation of 27,000 pounds which was the cost of the sale of his horses.

In relation to th question, According to Section 5 of the Quarantine law, it provides for the penslty of imprisonment and fines for the disobedience of the law, so it is a valid case raised by Mr Tarzan to question the act of the government to demolish his house, terminating his occupancy of the hotel. He should have been served a notice to lock down his hotel according to Section 28 of the Land Use Act, because it is in the interest of the public for his hotel to be shut down in order to reduce the spread of the covid19, which is a national and international epidemic, and if he did not follow the order or adhere to the notice given to him, he should

have been fined or imprisoned as stated in Section 5 of the Quarantine law. Demolishing his hotel was unconstitutional as it is not provided for in the Quarantine and it does not follow the due process of revocation under the land Use Act, and should be compensated by the government for the demolition of his hotel.