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Legal issues

Whether the act of the governor of Kuzuland was unconstitutional

Whether chief Ajah can succeed in an action in court against the governor

Introduction

Every citizen has the right to acquire and own immovable property however, according to S. 1 of the Land Use Act, all land in a state is vested in the governor of the state who holds it in trust for the people except land owned by the federal government or its agencies. S. 28 also provides that it is lawful for the governor to revoke a right of occupancy for overriding public interest, breach or notice by higher authority as in *Obi V Minister Of Fct* and a plethora of cases. For revocation to occur, it must be for overriding public interest or public purpose and not for personal purposes as stated in *Stodie Ventures Ltd V Alamiyeseigba*

The act of the governor to demolish Tarzan hotels is not unconstitutional as S. 28(1) provides that the governor can revoke the right of occupancy of a person for overriding public interest or public purposes and he was also in breach of the executive order which S. 28(5) stand as a ground for revocation. There was a pandemic and an order was given that all public place which continues business shall be demolished as provided under s.5 of the quarantine law which Chief Ajah violated hence the governor's act is not unconstitutional because adequate notice has been given by virtue of the powers conferred on the governor under the quarantine law and as provided for under s. 28(6) of the land use act.

The second legal issue is answered in the negative. Chief Ajah cannot succeed in his action against the government because notice has been given and a standing order according to an existing law (quarantine law) was given that such businesses which continued will be demolished. S. 29 of the land use act provides for compensation if the right of occupancy is revoked for the causes set in s.28 (2) which has to do with public purpose, hence Chief Ajah will not succeed in his action in court because he refused to obey the order given and S.47(2) of the land use act provides that no court will have jurisdiction into any question pertaining to the amount or adequacy of any compensation paid or to be paid under the act hence if he takes the matter to court, the court will lack jurisdiction to hear the matter.

In conclusion, S. 1 of the land use act vests all lands in a state to the governors to hold in trust for the people and where there is a need to acquire such land for public purpose, such right can be revoked. In the above scenario, Chief Ajah was in breach of an executive order despite warnings and this writer is of the opinion that the punishment of demolishing the hotel was not unconstitutional because it involved a global pandemic which has broke out in Kuzaland and the governor made an executive order closing down all public places including bars, restaurants, hotels, clubs. Event centers etc and that any public place which continues such businesses will be demolished as provided in the executive order hence, Chief Ajah cannot succeed in an action against the governor. Chief Ajah can however lay a complain to the land use and allocation committee as provided for in S.30 of the Land Use Act