NAME: AGANABA WOYENGIDOUBARA IKIAEBI

MATRIC NUMBER: 16/LAW01/017

COURSE: LAND LAW

LECTURER IN CHARGE: MRS. OLUBIYI

**ANSWERS TO THE TEST**

The relevant legal issues in the given scenario are

1. Whether the governor’s action of the demolition of all Tarzan hotels is in contravention of the constitution and the Land Use Act.

2. Whether the imposition of fines and punishment was unlawful

Section 28 of the Land Use Act provides that it shall be lawful for the Governor to revoke a right of occupancy for overriding public interest. Overriding public has been defined by Section 51 of the Land Use Act to include anything in connection with sanitary improvements of any kind. Based on these provisions, the governor of a state has the power to revoke a right of occupancy when it comes to issues that have to do with sanitary improvements. In addition, the Constitution of the Federal Republic of Nigeria which ordinarily provides that no immovable property shall be taken by the government without compensation, gives certain exceptions to this rule, one of which is the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals. However it is important to note that before a person’s certificate of occupancy is revoked by the government, there are certain procedures that must be followed. Before a certificate of occupancy can be revoked, the holder of said certificate must first be given a notice that must be personal to him which must state the reason for the revocation of his right. In addition, a person whose right of occupancy has been revoked must in accordance with Section Section 29 of the Land Use Act must be given compensation. In the case of Horn v. Sunderland Compensation, it was held that compensation implies that the loss of the seller must be completely made to him.

In the above scenario, the reasons for the governor’s demolition of Tarzan’s hotel was Chief Ajah’s refusal to close it down which clearly poses a threat to the health of human beings which is a valid reason to revoke a person’s certificate of occupancy. However, as can be seen from the scenario, the Governor of Kuzuland, went ahead to demolish Tarzan Hotels without personally giving a notice to Chief Ajah and in addition did not compensate him for his loss but rather imposed fines and imprisonment.

Therefore in the aspect of not following the proper procedure when it comes to revocation of certificate of occupancy as provided by the Land Use Act, the Governor’s action i.e. The demolition of Tarzan Hotels is unlawful as well as the imposition of fines and punishment.