**Obiagwu Michael**

**16/Law01/143**

**Land Law Test.**

**Answer**.

The presented legal issue as to my understanding, is wether the Governor is legally and constitutionally justified for his action of demolishing Tarzan hotel for defaulting as regards the quarantine law die to the covid- 19 outbreak.

**Section 1 of the Land Use Act of 1978,** profiles that the Governor is a trustee for all land comprising his/her state, therefore it can be deduced that the governor only has nominal ownership of those lands, and thus can only act with necessity to fulfill the purposes of this act.

**Section 5 of the Land Use Act** deals with the powers of the governor to deal with land, and none gives him the power to destroy the personal property of one who has interest in land in his/ her state.

The Land Use Act gives the governor the ability to grant Statutory right of Occupancy to anyone for any purpose in **section 1(5)** of the Act.

The Supreme Court in the case of **S.O Adole v. Boniface** held that “…customary right of the title holder has not been taken away or extinguished with the coming into force of the Land Use Act”

With all this being said, as regards the presented scenario, I discern that the act of demolishing said hotel is for a show of power, and to parade a scape goat to discourage other defaulters by the governor, although one might want to bring up **Section 28 of the Land Use Act** as a backing for such an action I’d like to bring to your notice that the governor can destroy such land only after revoking the owners right of occupancy for overriding public interest and safety, but only after delivering notice to the holder as regards **section 28(6) of the Act**, in **Goldmark ltd v. Ibadan co. Ltd,** the Supreme Court emphasizes that sufficient notice must be personally served on the person, of which of all these, none of them were done. Furthermore, **section 44 of the constitution of the Federal Republic of Nigeria** requires that adequate compensation be given for revocation of right of occupancy which was also not done by the Governor.

I would therefore come to a conclusion that the governor exceeded his jurisdiction as regards land and his right over land as regards the **Land Use Act**, and he has therefore been unconstitutional and unorthodox in his method and to answer the legal issue stated above, the Governor is not constitutionally justified for his action in demolishing Tarzan hotels.

Therefore, I advice that Chief Ajah brings an action against the Governor and basing his case on all I have presented to him above, he has a high chance of success in court.