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ANSWER

The issue of determination is whether the governor has the legal right to demolish the building in light of the quarantine law instituted in the country. This borders on revocation of right of occupancy for overriding public interest. Section 28 of the **land use act**  says that a right of occupancy may be revoked by the governor for overriding public interest, this power is exercisable in respect of either statutory right of occupancy or customary right of occupancy. The power to revocation is thus exercisable in respect of right of occupancy granted or deemed granted by the government.

Having said this, what can be seen as overriding public interest, this could range from alienation by the occupier of any right of occupancy or part there of contrary to the provisions of the Act or any regulations made there under, requirement of the land by the government for public purpose, requirement of the land by the government for the purpose of mining or building oil pipelines.

Now on this note what would have made the governor to destroy such a building there by revoking its right of occupancy, under **section 28(5)** of the act the governor can revoke a statutory right of occupancy on the grounds of:

1. A breach of any of the provisions which a certificate of occupancy is by section 10 of this act deemed to contain
2. A breach of any term contained in the certificate of occupancy or in any special contract made under **section 8** of this act.
3. A refusal or neglect to accept and pay for a certificate which was issued in evidence of a right of occupancy but has been cancelled by the governor under **subsection (3) of section 9** this act.

Now with these criteria’s it should be noted that revocation under **section 28** of the act must accord with the intendment of the provision of the act. Any exercise of the power of revocation for purposes outside those outlined or enumerated by **section 28** of the act or not carried out in compliance with the provision of the section will be against the policy and intentions of the act and will be declared void. An example of this is the case of **the administrators/ executors of the estate of general sani abacha (deceased) v. Samuel david eke-spiff & 3 ors.** In thecase, the 1st respondent was allocated a plot of land by the government of rivers state. He submitted a building plan for approval but up to the institution of the suitthat led to the appeal. His plan was not approved.

It was held that it is not only unconscionable to take away a piece of land already allocated and re allocated same to someone else without serving a notice of revocation on the earlier allocate and not paying that person compensation, it is also unlawful and unconstitutional to do so.

In conclusion, my advice to chief ajah would be that although they disregarded the warnings and continued operating it is quite unconstitutional for the governor to have revoked his right of occupancy without proper notice to the public and as such he can demand for damages and reparations from the government for committing such an act.