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LECTURER’S NAME: BARR. Olubiyi

DATE: Friday 15th of May 2020

TEST

SOLUTION

LEGAL ISSUE

1. Whether the governors act of demolition was unlawful or not
2. Whether or not the executive order can serve as a notice

INTRODUCTION

A brief background of the Land Use Act is that Tenure is a system of ownership of land which the northern part has a land tenure law that governed then and other parts aswell and despite the fact that we are in one country, different land tenure system is still served.

And seeing to this the reasons for the introduction of the Land Use Act was to ensure uniformity, reduce fights hustle and issues concerning land, to increase security of land and to drown against fraudulent practices of land tenure system expecially that practiced in the south.

The first legal issue is whether the governors act of demolition is seen unlawful or not. Firstly the general purpose of any revocation is for overriding public interest and section 28(2) defines what overriding public interest in statutory occupancy and section 28(3) connotes for customary right of occupancy.

The governors act of demolition was actually wrong and this is because the governors executive right is inconsistent to the quarantine law although he made an announcement concerning that, he did not provide adequate notice before the demolition.

Moving to the next legal issue which had to do with notice, the question here is was there a valid notice?, in my opinion there was none and this is because under section 28(6) notice is a valid requirement before they can be revocation and must be by the government or any other assigned person and when notice is received the right of occupancy is revoked. And in the case of S.O Adole v Bonifacd B. Gwar, a notice of revocation and service of revocation are seen as a great requirement that must be established for a valid revocation and also in the case of Ononuju v A.G ofAnambra state where a notice was published in a gazette rather than giving personally , the court held it to be non valid and also in the case of Olateju v Commissioner for L& H Kwara state it says that it is not sufficient to just publish a notice it must be served personally or the revocation will be deemed null and void and following the situation given a valid notice wasn’t because it was a public announcement and not done personally therefore the demolition was not needed.

The holder of the right of occupancy after revocation has the right to be compensated for their inexhausted improvements both customarily and statutorily and this can be seen under section 29 and 6(5) of the Land Use act.

Section 44 of the Land Use Act provides the modes of service of notice and in advicing him I would say that he can succeed in the court because the governor had no executive order under his jurisdiction to do that

In conclusion, Chief Ajah is entitled to compensation and the essence of the compensation which is a third requirement ynder revocation is to return the holder to the position he was.

GOD HELP ME.