NAME: OTUOKERE MMESOMA. E

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Answer

The legal issue in the given case scenario is whether or not the governor’s demolition of Chief Ajah’s hotel was a lawful penalty for default of the executive order. To resolve this legal issue we will have to consider the relevant laws regarding the governor’s powers and also the situation in the state at the given time. The executive order given by the governor was given as a response and prevention of the spread of the virus and serves in the best interest of the state, however the quarantine law comes into play because it is assumed to be the governing law in such a state of emergency and in Section 5 of the Quarantine law the penalties for default are fines and imprisonment. While the governor was acting under the powers conferred on him by the quarantine law, the act of demolition as a punishment for default was not stipulated by the quarantine law.

The question of whether the punishment of demolition was valid will now be answered by whether or not Chief Ajah was given notice before demolition, it may be argued that the executive order counts as valid notice, however Section 44 of the Land Use Act state that service of notice must be personal and direct. So a general executive order does not amount to valid notice, this can be seen in Ononuju v AG Anambra. Hence, the demolition of the Tarzan Hotel by the Governor is unlawful for lack of valid notice. Chief Ajah therefore would be right in seeking legal action against the governor and is entitled to compensation or damages as the court deems fit.