

The legal issue for determination include

1. Whether the governor's act of was unlawful or not
2. Whether the executive order can serve as a notice under the land use Act.

PRINCIPLE OF LAW

It should be noted that before any right of occupancy can be revoked, the holder of such right of occupancy must be put on notice and the notice must be served to the holder.

VALID NOTICE

SEC 28(6) provides that the revocation of right of occupancy shall be signified under the hand of a public officer duly authorized in that behalf by the governor and notice shall be given to the holder

In LAGOS STATE DEVELOPMENT AND PROPERTY CORPORATION V FOREIGN CORPORATION, it was held that it is necessary for a notice of revocation of a Right of occupancy to state specifically one of the public purposes categorized in sec 50(1) LUA and failure to do this, is a breach of provision of sec 33(2)(a) of the constitution

It should be noted that the holder of the Right of occupancy

will have his title extinguished on receipt by him of a notice given under sub 6 or on such later date as May be stated in the notice.

The notice will state the reason for revocation although this is not expressed in the Act.

Sec 44 LUA provides that any notice served on any person must be served on him by

A. Delivering it to the person on whom it is served

B. By leaving it at the usual or last known place of abode of that person

C. By sending it in a prepaid registered letter addressed to that person at his usual or last known abode

In the case of *S. ADOLE V BONIFACE*, it was held that by virtue of sec 28 LUA, where title to a piece of land is revoked, it is mandatory to put the title holder on notice about the revocation. Therefore, notice of revocation of title and service of such notice to the holder are therefore mandatory requirements that have to be strictly complied with.

In the café of *ONONUJU V AG ANAMBRA STATE*, it was held that a publication in a gazette of a notice of revocation without personal service of same on the

person or persons concerned does not make the revocation valid

APPLICATION OF PRINCIPLE

Applying the above principle to the question, the governor's act of demolition was unlawful in the sense that no notice was given to the owner of Tarzan before the demolition was made.

Also, the executive order cannot be regarded as a notice because by virtue of sec 44 LUA, notice must be served by delivering it to the person on whom it is to be served.

Therefore I legally advice that Chief Ajah should request for adequate compensation by virtue of sec 29 LUA.