**NAME: NWANKWO, OBIANANMA CHINENYENWA**

**MATRICULATION NUMBER: 16/LAW01/137**

 **LAND LAW TEST**

The legal issue is whether the acts of the governor are unconstitutional and contravenes the procedures under the constitution and the Land use act. The legal issue can be resolved in affirmative. The governor, pursuant to Section 28 of the land use act has the right to revoke an occupiers right of occupancy on grounds of overriding public interest. However there are certain requirements before a governor can revoke the right of occupancy. This involves giving of notice to the occupier which the governor did not do. However an executive order was given as to what would be done to anyone who breaches the quarantine laws. The case of ***Obi v. Minister of FCT***, the appellants Certificate of Occupancy was revoked as a result of breach and he claimed that the breach was invalid on grounds that the only ground for revocation is over riding public interest. The court held that was not the only ground but the most popular. The court stated that a Certificate of Occupancy could be revoked for breach of any condition in it. This also goes to address the issue of whether adequate notice was given to Chief Ajah and if he is entitled to compensation for the demolition of his hotel. The case of ***Mulima v. Usman*** also states that pursuant to s. 28(6), any revocation of a right of occupancy shall be signified and adequate notice given

Now, despite the fact that the demolition of the hotel is not unconstitutional persay, Chief Ajah can argue that adequate notice was not given to him. The case of ***Ononuju v. AG Anambra state*** provides that valid notice should be given. The case of ***Goldmark nig ltd. V. Ibafon co. ltd*** also stated that there must be personal service on the person or occupier. As well as the fact that it is not within the governors power to demolish the hotel. It would have been more appropriate if he issued fines or penalities but not demolition as provided in s. 5 quarantine law. The executive order given by the governor is inconsistent with the quarantine law. It is also important to note that the constitution pursuant to s. 315 gives the LUA inculcation. The CFRN 1999 as amended provided for according to Chapter 7, the judicature and the case of Onah v FRN states that a court cannot impose a higher punishment than that prescribed for the offence. And as such the governors act cannot over ride the position of its enabling law

In conclusion, Chief Ajah has a right to contest in court on grounds that adequate notice was not issued to him and he was not adequated notified via personal service as seen in ***Goldmark v.*** ***Ibafon supra*** and as such is entitled to compensation to the tune of what was lost in the demolition. As such, the governors act was unconstitutional because he didn’t give notice for the demolition.