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MATRIC NO: 16/ LAW 01/131

ANSWER

This writer would like to advice Chief Ajah on his current issue with the government of kuzaland . looking at the scenario above the first legal issue would be whether the Governor had the power to demolish the hotel of Chief Ajah while the second issue is whether the claim of Chief Ajah would be successful in court . Looking at the first issue the question arises whether the governor had the right to the revoke the statutory right of occupancy . the first issue would be answered in the negative because there is a quarantine law which is to guide the public in times of an outbreak and any executive order that is brought up is to act in conformity with the existing laws of the state so as to cover the right of the citizens although what the governor did can be seen to br trying to protect the public interest but the quarantine law has expressly stated that fines and imprisonment should be the punishment for defaulters so an executive order should not go beyond that rather it should be similar to the existing law which is the quarantine law because this executive order now infringes the right of the person although there has been warning to Chief Ajah the fact that the Hotel was demolished is not to be so because the Governor had no right to demolish the Hotel of Chief Ajah even though he disobeyed the executive order as said before because the executive order does not act with the existing law of the state concerning such matter .

The second legal issue is answered in the affirmative this is because the act of the Governor can been seen to be unlawful therefore Chief Ajah would have a high chance in court if he is to sue the Governor the Governor acted following an executive order which was not in conformity with the existing law concerning disease outbreak which is the quarantine law so the person who has suffered damage which is Chief Ajah can bring his case forward to the court in order to claim damages for the actions of the Governor . The governor has to right to demolish the property of a person without notice and there was no form of notice given to Chief Ajah abouth the damage to be done to his hotel has seen in SECTION 28 OF THE LAND USE ACT which has to do with revocation of a person statutory right of occupancy and it states that three criteria must be met before that is done they are

1. There must be a purpose
2. There must be notice
3. There must be compensation

And none of this was done by the Governor before the demolition took place so Chief Ajah has a claim in court and he can go to the state high court to make his claim cause the court has jurisdiction over land land matter although the land use act provides in section 47 (2) that the court are not to concern their selves with land matters and compensation that is not so because it is against Section 6 of the constitution and the constitution is the highest law in the state . Therefore the constitution is to be followed.

In conclusion Chief Ajah can sue the governor for damages for the demolition of his hotel because the governor did not act in his own right to do that so he has a claim this is because the executive order did not act with the existing law of the state concerning disease outbreak which is the quarantine law .and the right thing for the Governor to do was to fine or imprison Chief Ajah not demolish his hotel