**NAME: FAJIMI OLUWASEYI JOHN**

**MATRIC NO: 16/LAW01/087**

**COURSE NAME: LAND LAW II**

**COURSE CODE: LPB 402**

**LECTURER NAME: MRS OLUBIYI**

ANSWER

In the case of Chief Ajah, whose hotel in Kuzuland was demolished by the Governor of the state for breaching an executive order for closure of all public places. His hotel however in breach to said executive order, continued to operate and was therefore demolished, as was the penalty stipulated in the executive order. The major issue for determination here is whether or not the demolishing of the act can be seen as constitutional or not.

The rule of the laws pertaining to said executive order are the Constitution of the Federal Republic of Nigeria(CFRN) as well as the Land Use Act, and the Quarantine Act which gave him powers to issue an Executive Order. First of, the Land Use Act is very essential to this matter as whilst section 1 of the Act states that all land in the territory of each state of the country shall be vested in the Governor of said state. It is also noted clearly that he holds said land in trust for the benefit of all Nigerians and as a result once a citizen has been legally granted the right of occupancy in accordance with the Act (Section 5,6) or has been deemed granted in accordance with Section 34 and 36; said person holds possessory interest in said land and this right can only be revoked on 3 grounds according to Section 28 of the Act

1. A breach of any of the provisions which a certificate of occupancy is by section 10 of this Act deemed to contain
2. A breach of any term contained in the certificate of occupancy or in any special contract made under Section 8 of the Act;and
3. A refusal or neglect to accept or pay for a certificate which is issued in evidence of a right of occupancy but has been cancelled by the governor under subsection (3) of section 9 of this Act.

Another reason for revocation could be for the sake of overriding public interest as was the case in **The Administrators/Executors of the Estate of General Sani Abacha (Deseased) v Samuel David Eke-Spiff & 3 Others**.

However, insight has to be given to the Quarantine Act, because while it is what gives the Governor the power to curb the spread of infectious diseases in Section 4 by way of regulations. Section 4(f) and 5 of the Quarantine Act prescribes punishment for violation of said regulations.

By virtue of all laws stated above it can be said that the Governor’s demolition of the hotel was unconstitutional as first the Quarantine Act which gave the power to create said regulation gave punishment and by virtue of Section 7 of said Act, only a magistrate can try a violation not a governor. The demolition is a clear violation of his right to own landed property as is stated in Section 43 of the CFRN. Also, as there was no notice given by the governor as was stated in Section 28(4) and (6) of the Land Use Act which is also said to state the public purpose for which revocation is occurring as was stated in **LSDPC v Foreign Finance Corporation**. The governor is therefore liable as the demolition of Chief Ajah’s hotels were unconstitutional.