NAME; OKON EDIDIONG JOSEPH

MATRIC NO; 16/LAW01/161

LEVEL; 400

COURSE; LAND LAW

DATE; 15TH MAY 2020.

**ANSWER**

The first legal issue in the determination of this question is whether the Governor of Kuzuland has the power to revoke the statutory right of occupancy given to Chief Ajah the owner of Tarzan hotels.

The second legal issue is whether Mr Ajah can suceed in his action against the Governor.

The first legal issue will be answered in the affirmative. Revocation of right of occupancy is the right of the Governor to withdraw the Right of occupancy of a person. Before a right of occupancy can be revoked, there are three conditions to be considered.

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

In considering the purpose, we will examine Section 28(5) overriding public interest provides that the Governor may revoke a statutory right of occupancy on the ground of

1. A breach of any of the provisions which a certificate of occupancy is by Section 10 deemed to contain
2. Breach of any term contained in the certificate of occupancy or in any special contract-Section 8.

In considering notice, the purpose of giving notice of revocation of a right of occupancy is to duly inform the holder thereof of the steps being taken to extinguish his or her right of occupancy. Service of notice of revocation of right of occupancy is very crucial. By virtue of section 28(6) of the act, a notice of revocation of a right of occupancy must be given to the holder. By section 44(a) and c of the act, any notice required to be served on any person shall be effectively served on him or her either by delivering it to the person to the person on whom is to be served or by leaving it at the usual or last known place of abode of that person. A publication in the gazatte of a notice of revocation without a personal servive on the same on the person concerned does not make the revocation valid. See S.O Adole v Boniface B Gwar. It is important to note that without a valid notice, the purported revocation of the right of occupancy will be ineffectual. In this case, although the Governor clearly stated that any public place in defiance of the order will be demolished, he didn’t give Mr Ajah a valid notice. Also see Onunuju v AG Anambra State. In Obi v Minister FCT, it was held that the service of notice on the holder is a condition precedent to the validity of the revocation.

In considering compensation, SCTION 29(1) provides that if a right of occupancy is revoked for the causes set out in paragragh b subsection 2 of section 28, the holder of and the occupier shall be entitled to compensation for the value at the date of revocation. See Horn v Sunderland.

The second issue will be answered in the affirmative.he can sue the Governor because an executive order is not a legislation and it is amere directory and it has to work in line with the Land Use Act and the 1999 CONSTITUTION. The Governor was wrong in his action. . Chief Ajah can succeed in his action because a valid notice wasn’t served and he can be duly compensated.