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ANSWERS

The legal issue is whether the act of the Governor is unconstitutional and contravenes the land use act. Also, whether the governor has the right over the land in which the property was built.

According to the quarantine act and the executive right of the Governor to close down public places, hotels, any public places which goes contrary to this rule should be demolished or fined. However, according to Section 28 [1]of the land use act the Governor has the power to revoke right of occupancy for overriding public interest. The case of Amale v Sokoto L.G.A. It was held that the governor has the right to revoke a person right of occupancy for overriding public interest. Furthermore, for revocation to be valid certain requirement are excepted unless it will be nullified;

1. Proper notice
2. Valid reason
3. Adequate Compensation

The issue to be considered is if there was proper notice. The purpose of proper notice is to inform the holder of the land steps taken to extinguish his or her right of occupancy. In the absence of a valid notice of revocation, the purported revocation of right of occupancy will be null and void. The notice must be personal to the holder and must not a general one. Section 44 stipulates the mode which a notice must be presented, which the Governor did not adhere to. Ononuju v State AG Anambra state, It was held that the notice was published through gazette as was not a personal one and the notice was suppose to give reasons hence it does not make the revocation valid. Thirdly, is whether the adequate compensation was given when the Governor demolished the property. There is no indication in the scenario that the governor paid adequate compensation when the building was demolished. By the virtue of section 29 of the land use act stipulates that when a holder or occupier right is revoked that the occupier is entitled to compensation.

Also, although the reason of revocation was for overriding public interest, there are certain procedures and requirement which should be strictly adhere during revocation which is obvious from the scenario that the Governor failed to adhere to.

Evaluating the Governor’s action and the scenario at hand, the Governor acted unconstitutional and contrary to the land use act. The following laws stipulated by the land use act were not duly followed.

In conclusion, Mr tazan can bring an action against the Governor of Kuzaland on the ground that the laws of revocation was not duly followed that the Governor violated the requirement of the land use act, hence the action was unconstitutional and an abuse of power given to him. Also Mr Tazan should know that he should bring the action to the high court as the have the original jurisdiction in respect of statutory right of occupancy.