**OSONDU- OPARA CHIAMAKA CHIDERA**

**16/LAW01/182**

**ANSWER**

**LEGAL ISSUE:** Whether the action of the Governor (demolishing the building) was legal in the light of the Quarantine Law, the Executive Order, the Constitution and the Land Use Act.

Whether the executive order serves as a notice

**PRINCIPLES:** By virtue of Section 28 of the Land Use Act, the Governor has the right to revoke any right of occupancy for overriding public interest. The Quarantine law states punishment and fine as the penalty for default. It was stated in section 44 of the land use act, the modes by which notice can be served. It was also stated in section 28 that there mist be notice before revocation.

**APPLICATION:** With the powers conferred on the Governor under the Quarantine law, he made an executive order to close down all public places and the executive order contained the order that any public place which continued with their businesses, shall be demolished. Tarzan Hotel did not follow this order and the hotel was demolished by the Governor. In light of the Executive order, the demolition of the hotel is legal because the hotel was warned prior to the action taken by the Governor. The Quarantine law provided that the penalty for a default would be fines and imprisonment and in this light, the action taken by the Governor could be seen as unconstitutional because demolition of the building was not the stipulated punishment in the Quarantine law.

Under the Land Use act, by virtue of Section 1, the Governor has title of land comprised in the territory of each state and it is to be held in trust and be administered for the benefit of all Nigerians. Under Section 28, it was stated that there must be valid notice given before revocation. In the case of Ononuju v. AG Anambra State, it was stated that a notice of revocation must be served personal to the holder irrespective of whether the land is developed or underdeveloped. It cannot be substituted by a general notice. With this being said, the Executive Order was not a valid means of notice. So it doesn’t matter that the Governor has title over the land if there was no valid notice.

In **conclusion**, Chief Ajah might be able to seek redress in court and seek compensation for the unlawful demolition of his hotel. Despite the fact that he did not heed to the warnings of the government, the governor did not give a valid notice before demolishing the hotel, as the land use act stipulated. Therefore, Chief Ajah is entitled to compensation for the unlawful demolition of the hotel.