NAME: ALAWODE ILERIAYO BOLUWATIFE

MATRIC NO: 16/LAW01/030

The Issue for Determination:

Whether the action of the Governor is lawful and constitutional

Whether the Chief can successfully bring an action against the Governor in court

Whether the court can address the issue

The first legal issue will be answered in the affirmative. The criterion for revocation of right of occupancy requires Purpose, Valid notice and adequate compensation. For purpose, overriding public interest comes in as provided for in Section 28 of the LUA. Section 51 also defines public purposes to include exclusive government used or for general public use Relating this to the factual scenario, the demolition of the Chief’s hotel was necessary because it was against the defiance of the order by the Chief’s hotel was against Quarantine law and would be against public purpose. The case of Amale v Sokoto Local Government explains public purpose. Also, for notice, the Governor made an order although it was not personal because a notice for revocation must be personal as held in Lagos State Dev & Property Corporation v Foreign Finance Corporation. And the mode of notice is stated in Section 44 of the LUA. The third criterion is the Adequate Compensation. The Governor didn’t give adequate compensation to the Chief but this is because the holder which is Chief did not obey the order which is punishable by fine or imprisonment.

The second legal issue will be answered in the negative. This is because the action of Chief Tarzan is a violation of the Quarantine Law and is punishable by fine or imprisonment. Also, the court has no jurisdiction to entertain questions concerning the vesting of all land in the Governor in accordance with the provision of the Act as provided for in Section 47(1) of LUA.

The Third legal issue will be answered in the negative. This is because the only the state High Court has jurisdiction on land matters and High court of FCT according to Section 39 of the LUA. And Notwithstanding, the court does not have jurisdiction to entertain this kind of matter as regards to Section 47 of LUA

I would advise Chief Tarzan to apply to the Land Use and Allocation Committee for compensation in this matter. This is because the court’s jurisdiction on amount for compensation has been ousted in Section 47(2) of LUA.

 In conclusion, Chief’s action in court cannot succeed. He can only apply to the Land Use and Allocation Committee for compensation.