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Legal issue

1. Whether the government followed the necessary requirements for revocation as provided by Section 28 LUA.
2. Whether the governors action was unconstitutional and contravenes the procedures under the constitution and the land use act.
- 3 Whether the executive order giving is a law and can function as a law.

Issue 1

SECTION 28 OF THE LUA PROVIDES THE REQUIREMENT FOR REVOCATION

1. PURPOSE
2. VALID NOTICE
3. ADEQUATE COMPENSATION

SECTION 28 (1) provides that is lawful for the governor to revoke a right of occupancy for overriding public interest

However, the purpose of the governor demolishing and provoking the right of occupancy was because Chief Ajah failed to adhere to the instructions given by the state on the closure of all ventures on the effect of the pandemic in the state and Country.

In the case of Amale V. Sokoto Local government this case was on the basis of overriding public purpose

Also the second thing to be considered is whether or not , there was a Valid Notice

SECTION 26(6) provides that the revocation of a right of occupancy shall be signified under the hand of the public officer duly authorized in that behalf by the gov and notice there of shall be given to the holder.

The notice should however state the reason for revocation although this is not expressed in the Lagos State Development and property corps v Foreign Corporation

However, in absence of a valid notice of revocation, the purported revocation , the right of occupancy, will be ineffectual. Notice is a valid requirement, before they can be revocation

Section 44 however stipulates the mode which the notice should be presented which the governor did not adhere to. **Ononuju v State AG Ananra state** the notice was published in a gazette rather than personal.

The third thing to be considered is whether there was adequate compensation.

Section 29 LUA provides for compensation payable on revocation of Right of occupancy by the govt in certain cases.

The act provides that Where a right of occupancy is revoked for public purpose, the holder or occupier shall be entitled to compensation for the value of the land at the date of revocation

Issue 2

Whether the governors action was unconstitutional and contravenes the procedures under the constitution and the land use act.

If the holder breaches any covenant or condition, express or implied in any certificate of occupancy granted, the right may be forfeited to the government.

Section 28 of the Land Use Act also provides that a right of occupancy may be revoked by the governor for overriding public interest. This power is exercisable in respect of either statutory right of occupancy or customary right of occupancy. The power of revocation is also exercisable in respect of right of occupancy granted or deemed granted by the government.

Issue 3

An Executive Order is not a law. It is the principal of law is that one cannot be punished for offence that is known to law. The offence that was committed was operating the hotel even when they were supposed to be punished. However, the punishment that was supposed to be given in that stipulated in the Quarantine Law.

The executive order is not a law and only an order of the government. However, the punishment was unlawful

Conclusion

The government didn't meet the requirements provided by Section 28 of the Land Use ACT. However, the government's action was unconstitutional and it is

