**NAME; AKPANITEAKU FAVOUR CHIDALU**

**MATRIC NO; 16/LAW01/028**

**LAND LAW TEST FOR MRS OLUBIYI**

The legal issue is whether the act of the government in demolishing the Tarzan Hotel was unconstitutional and contravenes the procedures under the constitution and l.and use act

According to section 28, revocation must fulfil three criteria which includes purpose, valid notice and adequate compensation. The purpose for revoking interest in land is for ‘overriding public interest’. Section 28[1] and [2]defines alienation of land by the occupier without the consent of the governor either by assignment, transfer lease or sublease, also the requirement of the land by the government of the state for public purposes or local government and requirement for mining purposes or of pipelines, 28[3]. Section 28[9] also provides other grounds for revocation [statutory right of occupancy] which includes breach of any conditions, a provision deemed to be contained in the certificate of occupany, breach of any term contained in the certificate of occupancy or any term contained in the certificate of occupany or special contract made under s8 or even refusal or neglect to pay for the certificate. In **Obi v. Minister, FCT,** the service of notice is a condition precedent, the issue Obi raised was that the notice was not held to him, the court held that even if it was not properly served or addressed, as far as he was aware or notified, the notice was valid, it was held that overidding interest is not only the ground for revocation. In **S.O Adole v Boniface. Gwar,** the court held that the notice and service of revocation is something that must be complied with when it comes to land. The case of **Amale v. Sokoto Local Governent** emphasizes the concept of public purpose.

Contrary to section 28, Chief Ajah was not in adherence with the executive order of the governor in closing down PUBLIC places including all bars, restaurant, hotels, clubs and event centers. Therefore failure to obtain governors consent under section 28[2][a], overriding public interest in statutory and customary right of occupancy, IT IS AN OFFENCE PUNISHABLE WITH FINE OR PUNISHMENT, section 34[e] and section 36 as in the case of **Adedeji v. National Bank Ltd** where the court applied the principle of equity to the courts consent, it was disputable to say it is null and void . Under section 28[4], which provides that the act states that if the event of the issue of a notice by or on behalf of the president if such notice declared such land to be required by thE government for public purposes.

It is therefore unconscionable and unconstitutional to confiscate a piece of land and reallocate it to someone without notice and compensation. This was stated in the case of **The Administrators/Executors of the Estate of General Sani Abacha v. Samuel David Eke-Spiff and 3 Ors. There it is unconstitutional**