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The legal issue is whether the governor had the power to demolish the building owned by Chief Ajah.

According to section 28(1) of the land use act "it shall be lawful for the Governor to revoke a right of occupancy for overriding public interest." This power can be exercised by the governor in respect of either a statutory right of occupancy or a customary right of occupancy.

The Governor, in pursuant of the powers conferred on him under the Quarantine Law, made an executive order closing down all public places including bars, restaurants, hotels, clubs, event centre's, among others to protect the people against the spread of the pandemic. Any public place which continues such businesses shall be demolished as provided in the executive order. S. 5 of the Quarantine Law provides fines and imprisonment as the penalty for default. Tarzan hotel was operating in defiance of this order despite warnings. As stipulated in the order, the governor demolished Tarzan hotels. This can be said to be a Revocation of right of occupancy for overriding public interest.

Chief Ajah, the owner of Tarzan hotel, believes the action of the Governor is unconstitutional and contravenes the procedures under the Constitution and the Land Use Act. For him, even if he were wrong, the punishment was unlawful.

Before revocation occurs notice must be given to the person that holds the right of occupancy, if notice is not given or is invalid the revocation will be ineffective. Section 28(6) of the Land use Act provides that "the revocation of a right of occupancy shall be signified under the hand of a public officer duly authorised in that behalf by the Governor and notice thereof shall be given to the holder." This notice is very important and it must state the purpose of the revocation.

In the case of *Ononuju v. Attorney General, Anambra state* it was held that a publication in the Gazette of a notice of revocation without a personal service does not make the revocation valid, this was emphasised by the Supreme court in *Goldmark (Nig.) Ltd v. Ibafon co. Ltd*. The Supreme court also held in the case of *S.O. Adole v. Boniface B. Gear* that the notice of revocation and title of service of

such notice to the holder are two mandatory requirements that have to be strictly complied with when a title to a land is being revoked.

In this situation based on judicial authority it can be argued that the public order does not constitute notice and the

Under Section 43 of the Constitution of the Federal Republic of Nigeria 1999(as amended) it provides for the fundamental human right of Nigerian citizens to own and acquire immovable property such as land. Such a right can be revoked in special circumstances such as to protect public interest.

Due to the lack of notice and the unconstitutional demolition of the land I answer the legal issue of whether the hotel should be demolished in the negative.

Chief Ajah can therefore bring a case contesting the validity of the revocation of his occupancy based on the fact that there was no personal notice given to him and also contest the demolition of his building. He can bring the action before the High court which has jurisdiction over land matters.