

NAME: OBODOECHI CHIDERA  
MATRIC NO.: 16/law01/148  
COURSE: LAND LAW  
LECTURER: Mrs. Olubiyi

### **Test**

The legal issue is whether the action of the Governor in demolishing the Tarzan hotels is legal under the various laws; that is, the Quarantine law, the Executive order, the Land Use Act, and the Constitution. Also, whether the executive order can serve as a notice to stop all business.

According to the Quarantine law, Section 5 says that any default by a public place is to be given fines and imprisonments as punishments. An executive order was made by the Governor as per the power conferred on him by the Quarantine law so therefore the executive order is binding on the state to the extent of the closure of public places with the exception of the punishment included. The executive order issued that all public places should be closed down including all restaurants, bars, hotels and clubs and if there was a default, such a building can be demolished.

According to Section 28(6) of the Land Use Act, a notice is to be given when the Governor is interfering with someone's right on a land. According to that law, a notice should be given in person or in the case of a incorporation to the secretary or clerk. In the case of *Ononju v. AG Anambra State*, the court held that a publication in the gazette without personal notice is not valid. So according to the act, a proper notice wasn't given but in the situation of the Covid-19, the Executive order serves as a good notice.

Despite several warnings given to Tarzan hotel, they still defaulted the executive order and so the Governor demolished the building as per the Executive order. The demolition according to the Quarantine law, the punishment given to Tarzan hotels was not legal and too excessive. This is because a punishment is already provided under Section 5 of the Quarantine law which is fines and punishment. In as much as the executive order is binding, the punishment included by the Governor is acting ultra vires of the Quarantine law. Under the Land Use Act, all land in each state is vested in the Governor and held in trust and use of others

In conclusion, the demolition was not legal under the various laws because a punishment was already stipulated in section 5 of the Quarantine law. Also, the executive order can serve as a valid public notice because a personal notice can't be given to everyone in the case of the public pandemic. The owner of Tarzan hotels can sue for compensation.