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Land law

The legal issue for determination is

1. Whether the governor has the right to revoke the statutory right of occupancy of Ajah
2. And if the executive order can serve as notice under the Land use Act

The land use panel of 1977 headed by the Supreme Court held that the system of Land holding according to section 1 states that all land belongs to the government of each state except land owned before the act was enacted.

A right of occupancy can be terminated by either surrender or revocation. The right of revocation is vested in the governor. According to Section 28 of the act says that a right of occupancy may be revoked by the governor for overriding public interest and that this power is exercisable in respect of either statutory right of occupancy and customary right of occupancy. The power of revocation is also exercisable in respect of land of occupancy granted or deemed by the government. In section 5(1) the governor has the power to revoke. This power is exercised only to revoke.

Section 28(5) of the act also provides that the governor may revoke such rights on the grounds.

Revocation must however accord with the intendment of the the provisions of this act, however the Land use Act does not expressly state that the specific grounds of revocation of right of occupancy must be stated in the notice, however following judicial decisions where a right of occupancy is stated to be revoked for public purpose, there is need to spell out this public purpose in the notice of revocation.

In light of the first legal issue for consideration as to whether the governor has the right to revoke Ajah's right of occupancy; Section 28(6) states that any revocation of the right of occupancy shall be signified under the hand of a public officer duly authorized in that behalf by the governor and notice thereof shall be given to the holder. The governor is empowered to revoke a right of occupancy only after issuing a notice.

However in this case the governor is wrong as seen in the case of *Ononuju v A.G Anambra state* where a valid notice was given before action was taken. The purpose of giving notice is to duly inform the holder of the steps about to be taken on his right of occupancy and the absence of a valid notice is unconstitutional as seen in the case of *Goldmark Ltd v ibafon co. Ltd*, although there was an executive order there was no due notice so the governor is wrong in his action and can't be backed up by law.

The second legal issue an executive order can not be sufficient to notice. In conclusion Ajah can sue.