**MATRIC NUMBER : 16/LAW01/121**

**DATE: FRI. 15052020**

**LAND LAW TEST**

The legal issue in the given test scenario is whether the act of the Governor is lawful and whether he has the right to close down public places owned by private individuals. Will the action to be brought against the Governor succeed.

In accordance to the *Land Use Act (1978*) *under section 28*, states that it is lawful for the Governor to revoke the right of occupancy for overriding public interest(purpose). In *section 51* of the *Land Use Act (1978)* the term “public purpose” was defined and given extensive explanation as to what can be said to be “public purpose”. But the Governor’s act of demolishing building in line with given scenerio cannot be said to be for public purposes. The *Quarantine Act of Nigeria* has given power to the Governor to make executive orders and he ordered closing down public places.

Chief Ajah, you have disobeyed the orders made by the Governor that all public place should close down and the Governor said that defaulting to follow the order will result in demolishing building found open. By virtue of the power the Quarantine Act vest on the Governor to make orders, the executive order released by the Governor is binding and should be adhered to.

The Executive order derives its binding power from the Quarantine Act who enables the Governor make the Executive order, so it can be said that the executive order is subject to the Quarantine Act, so any statement made by the Governor in the executive order which contradicts or is in dispute with the Quarantine Act, the Quarantine Act shall prevail.

In light of the above, an action brought against the Governor on whether it is lawful to demolish property, the action will succeed, on the basis that the Governor by reason of the Quarantine Act has the power to make an executive order but the provision in *section 5 of Quarantine Act* states the punishment for default which is **fines or imprisonment.** So the Act does not give the Governor the right to demolish your building as punishment for defaulting the executive order.

In conclusion, the act of the Governor to demolish building of defaulters as punishment for refusal to adhere to the executive order, can be said to be unlawful and an action brought against the Governor in this regard will succeed.