**CONTINUOUS ASSESMENT**

**NAME: OKENWA NONSO MBAH**

**MATRIC : 16/LAW01/125**

**COURSE: LAND LAW**

**CODE: LPB 402**

THE LEGAL ISSUE IN THE CASE.

1. DID THE GOVERNOR HAVE THE POWER TO REJECT THE STATUTORY RIGHT OF MR AJAH
2. WHETHER THE CHIEF CAN WIN AN ACTION AGAINST THE GOVERNMENT

THE FIRST ISSUE WHICH IS PRESENTED I WOULD ANWER AS A NEGATIVE DUE TO THE REVOCATION OF THE RIGHT OF CCCUPANCY AND THE RIGHT TO OWN LAND.

THIS MAY BE SEEN IN THE SECTION 28(6) THIS CLEARLY STATES THAT

GOVERNORS HAVE TO GIVE A PERSONAL NOTICE BEFORE THEY HAVE THE POWER TO REVOKE THE LAND OCCUPANCY WHICH HE IS ON. HOWEVER THIS WASN’T DONE IN ANY WAY . THE PUNISHMENT TO BE GIVEN IN THE ACCORDING TO THE PUBLIC ORDER IS “FINE”AND NOT DEMOLISHING OF ONES PROPERTY.

ANOTHER CASE WHICH COULD BE USED IS THAT OF ONOUJU VS AG ANAMBRA STATE.

WHERE THERE WAS A NOTICE WHICH WAS VALID GIVEN.

WHEN THERE IS AN ABSENSCE OF A NOTICE IT IS SIMPLY UNCONSTITUTIONAL

THIS COULD BE SEEN IN THAT OF GOLD MARK LTD VS IBAFON CO. LTD.

LOOKING AT SECTION 43 AND 44, LAND CAN BE ACQUIRED AS PROPOSED BY THE LAW THIS MEANS THAT EVERY CITIZEN HAS A RIGHT TO AQUIRE AND

ALSO OWN AN IMOVABLE PROPERTY ANY WHERE WITHIN THE BORDERS OF NIGERIA.

IN THE SCENARIO PRESENTED THE REASON FOR THE DEMOLITION WAS NOT FOR PUBLIC PURPOSE AS DEFINED UNDER THE ACT IN SECTION 52. ALSO OVERIDING PUBLIC INTEREST IS ALSO STATED IN 28(2)(a)(b)(c).

**In conclusion**

The law provides room for fines and not the demolision of houses as taken in the case,which is improper and wrong.