**NAME; OKONKWO EBELECHUKWU**

**LEVEL; 400**

**MATRIC NUMBER; 16/LAW01/162**

**COURSE; LAND LAW TEST**

**ANSWERS**

LEGAL ISSUE

The legal issue in the above scenario is whether the activities of the government of Kuzuland on demolishing Chief Ajah’s Hotel building is unconstitutional.

RULE OF LAW

Section 1 of the land use act vest all the title of land in each state on the governor who holds it in trust for the benefit of all Nigerians. The governor has absolute ownership of the land. By virtue of Section 2 of the LUA, all land in urban areas are in control and management of the governor of each state.

Right of occupancy is the right to use and occupy land as granted by the land use Act. There are two types of right of occupancy namely;

1. Statutory right of occupancy
2. Customary right of occupancy

Statutory right of occupancy

It is the right granted by the governor as provided by section 5 1 a to grant statutory right of occupancy. The case of S.O Adole V Boniface recognized the power of the governor to grant statutory right of occupancy

Customary right of Occupancy

It is provided for in section 6 of the land use act which empowers the local government power to grant customary right of occupancy of a land a non- urban area.

Section 43 of the 1999 constitution provides for the right of every citizen in Nigeria to own an immovable property in Nigeria. Section 44 of the 1999 constitution provides that no movable property or any interest in an immovable property shall be taken possession of compulsorily and no right in any part of Nigeria

Section 39 provides that the high court has exclusive jurisdiction in respect of land subject to statutory right of occupancy.

Section 41 provides that the customary court or area court has jurisdiction in respect of land subject to customary right of occupancy.

**APPLICATRION**

This writer id of the opinion that the actions of the Kuzuland government is unconstitutional. This is because the governor does not hold the land to his own benefit but to the benefits of the citizen. Therefore, he does not ultimate power of the land. He holds title to land as a trustee on behalf of all Nigerians by virtue of Section 1 of the Land Use Act. Making an executive order for the demolishing of buildings still in operation during the pandemic is an abuse of power.

**CONCLUSION**

I would advise Chief Ajah that he can successfully bring an action to the high court for abuse of power by the Kuzukland government relying on section 44 of the 1999 constitution which provides that. that no movable property or any interest in an immovable property shall be taken possession of compulsorily and no right in any part of Nigeria

And also demand for compensation by virtue of the section 29 of the land use act and the case of Hoern v Sunderland Corporation.