

TEST

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ANSWER

In the event of pandemics, epidemics, or public health crisis, the QUARANTINE ACT of Nigeria gives power to the president to announce a lockdown for the purpose of quarantine and the control of spread of diseases. Likewise, the QUARANTINE LAW of each state in Nigeria gives power to the governors of the states to announce a lockdown, and restrict movement of individuals. This is for the benefit of all citizens so if the governor of Kuzuland made an executive order for all businesses to close down, then everyone in the state should obey.

Sec 5 of the QUARANTINE LAW imposes the penalty of fine and imprisonment on those who contravene the order and continue in the operation of public businesses during the lockdown. But we can see in the case of Chief Ajah that neither fine nor imprisonment was imposed on him instead, his hotel called TARZAN HOTEL was ordered by the governor to be demolished. This act by the governor contravenes SEC 5 of the QUARANTINE LAW and is also against the CFRN 1999 which provides for the LAND USE ACT 1978 which Nigeria uses for the control and management of land.

According to the LUA every occupier of land has exclusive right to his property to the exclusion of everyone except the governor as stated in **sec 14 Of the LUA** and has sole right and possession to the improvements thereon as stated in **sec 15 of the LUA**.

Although, ownership of all land in the state vests in the governor as seen in **sec 1 of the LUA**, however, a building of an occupier or holder cannot be demolished unless the statutory right granted to that person has been revoked and notice of the revocation given to that person. And according to the LUA, sec, the right of occupancy of a person can only be revoked if:

- That person does not pay for the certificate of occupancy as seen in **sec 9(2) of the Act** and

refusal to pay will lead to revocation of the right as stated in **sec 9(3) of the ACT**.

- The statutory right of occupancy a person can also be revoked if it is found that the grant of the right was wrongly issued as the so called holder does not have a valid title to the land. Such is the principle in **CSS BOOKSHOP V. REGISTERED TRUSTEES OF MUSLIM COMMUNITY IN RIBERS STATE** which states that a C of O can not validate a defective title.

Apart from these, the general purpose for which a person's statutory right of occupancy can be revoked is called **OVERRIDING PUBLIC INTEREST** as provided for in **sec 28(2) of the LUA** which states that **overriding purpose in the case of a statutory right of occupancy means:**

- When a holder alienates the right by mortgage, transfer of possession, sublease, etc without the consent of the governor
- Where the federal, state, or local government wants to use the land for public purposes and notice of the revocation thereof is given to the holder.
- Where the land will be used for mining purposes

It is only when notice of revocation is given will the statutory right be extinguished as stated in sec 28(6) and (7) that the governor can demolish and use the land for any public purpose as defined by sec 51

So, in the absence of the above, the governor of Kuzuland has contravened the provisions of the LUA.

However, Chief Ajah can institute an action for redress under the LUA in the High Court of Kuzuland by virtue of **sec 41** stating inter alia that the actions of the governor contravene the provisions as stated above. In terms of compensation, he can bring his case before the **LAND USE AND ALLOCATION COMMITTEE** to determine the amount of compensation due to him as in sec 2 and sec 30 of the LUA