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MATRIC NUMBER: 16/LAW01/212

LAND LAW TEST. 15/05/2020.

ANSWER

In our subject matter, it can be said that the Governor has no right to demolish the hotel because according to **section 28(5)**, it states that the governor may revoke a statutory right of occupancy on the ground of;

- a. a breach of any of the provisions which a certificate of occupancy is by **section 10 of the Act** deemed to contain
- b. a breach of any term contained in the certificate of occupancy or in any special contract made under **section .**
- c. a refusal to accept and pay for a certificate of occupancy.

The act of the governor does not fall under any of the provisions of the Act and also in section 5 of the quarantine law.

If the right of occupancy was not revoke before the hotel was demolished, the executive order goes against section 43 of the Constitution where the law provides for fine and not demolition.

The governor can impliedly issue executive orders by virtue of Section 315 of constitution, but it needs to be tandem with the laws of the land already existing and in accordance with section 5 of the quarantine law. Every citizen has the right to acquire and own

immovable property anywhere in Nigeria according to the constitution. In this case, An executive order isn't law but merely a directive. Also of the right of occupancy was revoked before demolition, an appropriate notice was not served in accordance with the accordance of section 28(6) of the act.

I will advice Chief Ajah, to exercise his rights an sue the Government to court because the governor even with an executive order has no right under any law and the constitution to demolish a building for a wrongful act where in the quarantine law and the constitution states otherwise.