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Department :law

Course :land law

 Answer

The legal issues : whether the act of the governor was unconstitutional.

Whether the governor has right over the land in which the property was built .

Whether the governor has right to demolish the land .

 The governor has the right to lock the state but the question now is whether the governor in the exercise of his right has the right to demolish the property of an indigene of the state ??? .executive order is not a law going by the provision of the constitution the Only body that vested with the law making power is the National Assembly and the state house of assembly.it is a known principle of law that one cannot be punished for an offense that is unknown to the law

The offense that tarzan has committed d was operating the hotel during the lockdown order by the state governmen the appropriate punishment should be in line with the quarantine law that’s state that “whoever goes against the law will be fine and possibly imprison as seen in the case I.OKEKE’S family the principle of of law in that case is that nobody will be punish by an offense that is unknown to the law executive order is not a law it’s only an order of the governor .

Section 28 of the land use act

Revocation of Rights of Occupancy and compensation therefor

**28.**       (1)      It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest.

(2)      Overriding public interest in the case of a statutory right of occupancy means--.

(a)       the alienation by the occupier by assignment, mortgage, transfer of possession, sublease, or otherwise of any right of occupancy or part thereof contrary to the provisions of this Act or of any regulations made thereunder;

(b)       the requirement of the land by the Government of the State or by a Local Government in the State, in either case for public purposes within the State, or the requirement of the land by the Government of the Federation for public purposes of the Federation;

(c)        the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith.

(3)        Overriding public interest in the case of a customary right of occupancy means -

(a)       the requirement of the land by the Government of the State or by a Local Government in the State in either case for public purpose within the State, or the requirement of the land by the government of the Federation for public purposes of the Federation.

(b)       the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith;

(c)        the requirement of the land for the extraction of building materials;

(d)       the alienation by the occupier by sale, assignment, mortgage, transfer of possession, sublease, bequest or otherwise of the right of occupancy without the requisite consent or approval.

The seen in section 28 shows that the governor has not complied with these provision that is a procedure to it and after taking over the person you’re taking over from is entitled to compensation .

So there is no indication that the governor of kuzuland has complied with the provisions of section 28

1.it does not conform With the constitution .

2. It does not conform the land use act .

3.It is a fundamental breach of the right of the owner of the hotel .

In conclusion Chief Ajah has possible chances of Sucess if he take the case to court because the governor did not conform with the provisions of both Section 28 of the land use act and chapter 4 of the constitution of 1999.