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The issue is whether the Governor of Zululand can via an executive order demolishes Tarzan hotel belonging to chief Ajah?

The essence of Rule of Law is that even the President cannot take the Law into his hands and then begin to mete out punishments to citizens without recourse to the constitution. Hence, everyone will have to go through a judicial process.

In Nigeria, an emergency situation under the Quarantine Act does not permit the demolition of a house by an alleged offender. Whoever has breached the Law will have to be tried and convicted by a Court of Law before a sentence can be pronounced.

Section 28 of the Land Use Act Provides ways and procedure for revocation and taking of land by the Government. The Act provides and guarantees the right of individual to own and use his properties without any interference. In the same vein, chapter 4 of the Constitution provides for individual right to property, fair hearing and liberty. An individual whose constitutional right (s) has been breached can approach the competent court through fundamental right civil procedure or other civil actions against the perpetrator for redress.

It important to note that under our law, the guidelines and regulations in the Executive Order are subject to the Constitution. So, if there is a conflict in the guidelines, the directives of the Governor and the Constitution, his directives will bow to the Constitution. See Section 1 (3) of the Constitution.

It therefore means that no Governor has the power to dismiss these rights under the pretext of enforcing the COVID-19 regulations.

Based on the aforementioned, Chief Ajah can approach the competent court to seek redress against the unlawful demolition of Tarzan hotel by the Governor of Zululand.