LAND LAW TEST

NAME; GEOFFREY BARISUANU BARIWU

MATRIC NO; 16/LAW01/092

LECTURER; MRS OLUBIYI

ANSWER;

**The legal Issues**

1. The validity of the revocation of Chief Ajah's right of occupancy in Tarzan hotels hence the demolition

2.The law on ownership of property in Nigeria as provided for by the 1999 constitution

3. Supremacy of the Constitution over section 5 of the quarantine act .

**PRINCIPLES**

1. Pursuant to the vesting of all the land in a state on the governor of the state to hold in trust and administered for the common use for the benefits of all Nigerians , it is my position that the Governor of Kuzuland did not act *ultra vires* and beyond his powers .However , in implementation of this right of revocation, pursuant to section 28(1) of the Land use act , the right of the governor to revoke the right of occupancy of any citizen of Nigeria must be made for overriding public interest . In light of the demolition of the hotel , it is to my mind that the governor had the interest of the general public at heart considering the fact the state and the world at large was battling a global pandemic In the case of Amale V Sokoto Local Government where the court of Appeal held that the Governor of a state has power to revoke a person's right of occupancy for overriding public interest.

Despite the revocation however , I humbly submit that pursuant to Section 33(1) OF the land use Act of 1979 , Chief Ajah is entitled to some degree of setlement as compensation for his demolished property

2. The 1999 Constitution of the Federal republic of Nigeria in Section 44 (1)has made an express provision for the ownership of immovable property in any part of the country by any citizen of Nigeria . However , section 44 (2)(b) has made an express provision for the imposition of penalties or forfeiture of properties for the breach of any law whether under civil process or after conviction for an offence , this again backs up my earlier position that the governor of Kuzuland did not act *ultra vires* and beyond his powers as there was an executive order in place which stipulated the demolition of properties for the breach of the quarantine law .

3. Despite the provision of Section 5 of the quarantine law which lays down fines as penalties and terms of imprisonment for defaults it is my submission that this vehemently contravenes and is inconsistent with the provision of the 1999 constitution as amended in its section 44(2) (b) . Section 1 (3) of the 1999 constitution as amended expressly provided that if any other law is inconsistent with the provision of this constitution , that this constitution shall prevail and that other law shall to the extent of its inconsisency be null and void .

**Application**

The constitution is the grundnorm , it is the barometre through which every other law is measured , it gives life to any other law , this buttresses the supremacy of the constitution , flowing from the set of facts before me , Chief Ajah by his flouting of the executive order of the governor , in conducting business in the premises of his hotel is liable to have is property demolished and forfieted as provided for in section 44 (2) (b) of the 1999 constitution , despite his explicit right to ownership of property in Nigeria as stipulated in section 44(1) of the 1999 constitution

Section 5 of the quarantine law in imposing fines and imprisonement as penalties for breach of the quarantine process as contravened the provision of the constitution and its provision , to my mind is null and void as provided for by section 1(3) by the 1999 constitution .

As a final gloss, section 28(1) of the land use act has also empowered the governor of the state to revoke the right of occupancy of any citizen for overriding public interest and this is a perfect example .