NAME: IJIDELE OYINDAMOLA ENIOLA

MATRIC NO: 16/LAW01/105

COURSE: LAND LAW

TEST

LEGAL ISSUES

1. Whether the act of the government is unconstitutional?

2. Whether an executive order can be termed as notice?

In light of the Quarantine law and executive order, the Governor has the power to revoke the appellant ‘s right of occupancy by giving an order and warnings but they operated in defiance of this order, therefore the Governor’s act was constitutional by virtue of the quarantine law and executive order. And the Governor gave a warning which can be termed a valid notice.

By virtue of the constitution and the land use act, the act was unconstitutional because there is no personal or valid notice to the appellant even though it was for overriding public interest. In accordance to section 28(6)of the LUA, notice must be given and in absence of a valid notice the revocation pf the right of occupancy will be ineffectual or invalid.

Also, a publication without a personal notice on the person concerned does not make the revocation valid.

In the case of Ononuju v Ag anambra state

It was held that the publication in the gazette of a notice of revoction without personal service on the person concerned does not make the revocation valid.

Therefore, the appellant is entitled to adequate compensation.