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**MATRIC NO.: 16/LAW01/136**

**LEVEL: 400LVL**

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**TEST**

The legal issue is whether Chief Ajah can successfully contest the legality of the governor’s order to demolish Tarzan Hotel and whether this order contravenes the procedures of the constitution and the Land Use Act.

The demolition of Chief Ajah’s property can be said to fall under the spectrum of revocation of right of occupancy.

In section 28 under the Land Use Act, there are specified requirements for revocation of right of occupancy by the governor to be valid. They include a specified purpose, a valid notice and adequate compensation.

Regarding specified purpose, the activities of Tarzan hotel and their constant refusal to adhere with the executive order given regarding the covid 19 pandemic can be said to fall under “overriding public interest”. Section 28(b) provides for requirement of land for public purposes which was clarified in Section 51(1)(c)to include sanitary improvements of any kind. The covid 19 pandemic can be said to fall unde that category. In this light, the governor has valid purpose,

Regarding valid notice, from the scenario presented, valid notice was not issued to Chief Ajah before his right of occupancy was revoked. It was stated in S.O Adele v Boniface that without valid notice, the revocation will be ineffectual. It may be argued that the warning given to Mr. Ajah constituted valid notice however, there are ingredients of a valid notice to consider. A notice must state the public purpose for the revocation. While this provision is not stated in the Land Use Act, it was stated in the case of Lagos State Development and Property Corp. v. Foreign Finance Corp. The mode of service of valid notice was also provided in section 44 and was not complied with by the governor.

In conclusion, the governor did not give adequate reason for the demolition and there was no valid notice. Also, in this peculiar situation, there were other modes of punishments provided in the Quarantine Act which could have been used by the governor. In accordance with the land use act, Chief Ajah is entitled to the compensation from the government and can therefore carry a successful claim against the government.