

I NAME: AMADI DUCHESS .C.

MATRIC NO: 16/law01/031

LEVEL: 400

COURSE CODE:LPB 402

COURSE TITLE: LAND LAW II

TEST

Legal issues

- Whether the Governor has the right to demolish the building without direct and due notice.
- Whether Mr.Ajah can successfully institute an action against the Governor in court.

The Governor's right of Revocation of statutory right of Occupancy is his right to annul or withdraw one's right to use and occupy a land. It is a statutory right because it is granted by the Governor according to SECTION 5(1) LAND USE ACT, 1978. This is so because all the land in the state is vested in him by the Act.

However, I resolve the first legal issue in the Negative because the Governor did not take the correct steps before revoking a statutory right of occupancy. One of the requirements is that Vaild notice must be given according to Section 28(6) of land use Act and handed personally and directly to the owner . But where that is not possible, alternative modes of serving notice are stated in SECTION 44 of Land use Act. In this scenario, it is seen that the Governor gave an executive order which is good but due to Quarantine which the hotel did not follow and the demolition is right as a Governor but since no due and personal notice as seen in the case of Ononuju v. A.G Anambra State . No direct was given at Tarzan hotels so the Governor is said to be wrong.

I resolve the second legal issue in the Affirmative as the owner can institute an action successfully since he wasn't given due and personal notice . Thus, he is to be compensated by the Governor according to SECTION 29 of the Land use Act.

In conclusion, I would advise the hotel owner that he can institute an action as his building was demolished with lack of notice directly to the hotel owner and he is to be compensated by the Governor .