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MATRICULATION NUMBER: 16/LAW01/114

Issues

The legal issue for determination in this factual scenario is whether the governor of kuzuland had the legal right to demolish the property of chief ajah, tarzan hotels.

Rules and Application

Due to the outbreak of covid-19, the Governor of Kuzuland issued an executive order for all public places to shut down. In spite of this, Chief Ajah of Tarzan hotels flouted the executive orders and ther end result was that his establishment was demolished. This can be desbribed nothing less thaN a balatant abuse of power and is severely ultra vires. The governor of kuzuland quoted that his executive order that stated that anyone not complying will have their establisahment demolished. This goes to the root of the ownership of the rights to the land. **Section 1 of the land use act 1980** vests the title of land in the given state in the governor. Once a person is granted the right of occupancy then he holds title to land to no other person than the governor. However, this does not grant the governor the right to treated the property as he sees fit.

The basis of the governor demolishing tarzan hotels is that there was an executive order issued and the punishment for disregarding it was the demolistion of property. It can be said that this executrive order goes against the land use act and the constitution. The law never purported to make a single person the lawmaker, the judge and the executioner. The weak excuse of an executive order cannot be relied upon soley for the basis of the governors actions. **Section 44 of the 1999 constitution** clearly dictates that it is foprbidden to compulsorily acquire any movable or immovable property. Thuis can extend to mean altering the property, in this scenario the asltering is the demolition. The constition also provides that no person shall be punished for a crime that is not stipulated under law. This is enshrined in section **36 of the constition 1999.** The relevant legislature in this scenario is the **Quarantine law** which guides on what is to happen in the case of an outbreak of disease. It is increasingly clear that governor of kuzuland has acted in disregard of these laws. The punishment stipulated in **section 5 of the quarantine act** that the punishment for default is fine and imprisonment. The aim this law is to be preven tive and not punitive. The destruction of a persons property acan only be described as punitive or worse.

**Section 28 of the land use act** allows for the governor of the state to revoke the right of occupancy for a person where it is in the overriding public interest, however this is not in the overriding public interest. The exercise of the governors executive prder is to operate withjin the ambits and confines of the land and not beyond it. **Section 51 of the land use act** with deals with public purposes for land may give him leeway but ultimately the executive order is wrong

The principal legislation that is to be upheld in this factual matrix is the **Quarantine act**. In the event of an infectious disease outbreak the presiddent and the governors are to derive their powers from it. **Section 4 of the quarantine act** empowers the governor to make laws and regulations to prevent the spread of an infectious disease. The keyword here is to prevent. This means that punitive means of punishment are not necessary here. The governor is to rely on **section 5** and **section 6 of the quarantine act** for the punishment that is to be meted out to offenders. Case law such as the case of **administators of the estate of general sani abacha v samuel david eke-spiff** highlight the fact that it is unconscionable to tamper with a persons property without issuing a revocation if need be. **Section 43 of the 1999 constitution** also highlights that every citizen has a right to land which may not be abused.

Conclusion

It can thus be deduced that the executive orders of the governor is ultra vires and cannot hold according to the 1999 constitution which is the highest law in the land. The advise to be given to chief ajah would be to pursue legal channels. This is to ensure that the actions taken by the governor are declared null. The chief may submit to the law for proper puniushment under the quarantine act and also seek compensation for the destruction of his property.