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LAND LAW II

The legal issue for determination in the above legal quagmire is whether the acts of the governor of Kurland are constitutional and in breach of the claimant's right of occupancy.

The second legal issue for determination is if the revocation of the claimants right of occupancy meets the criteria for revocation of right of occupancy for overriding public interest.

INTRODUCTION

By virtue of section 28 of the land use act, the chief executive of a state has the power to revoke a statutory right of occupancy and the penalty for non compliance with the executive order made, alongside the quarantine laws and constitution of the Federal republic of Nigeria is enshrined in section 34(8) and section 36(6) of the Land Use Act

The law stipulates that a right of occupancy can be withdrawn only when the land is needed in public interest and public purposes therefore the act of the governor in contravention to the demolition of the occupiers right of occupancy for breach of the quarantine laws is unconstitutional because he has no right to demolish the property in question and upon demolition of the property was any compensation duly obtained.

According to the doctrines of the LUA demolition of the the property does not meet the requisite criteria for revocation of right of occupancy the punitive measures given in the above quagmire state that the punishment for breach of the quarantine laws is fines and imprisonment the criteria according to section 28 of LUA are that

1 there must be a purpose

2 there must be a valid notice

3 adequate compensation

In the light of the above quagmire it is evident that the governor is in breach of the Guidelines of the LUA because there was no justifiable purpose no due notice was given either which makes the action unconstitutional and even more according to section 44 of the constitution of the federal republic of Nigeria states that a person has the right to own immovable property and that such a right cannot be withdrawn unless the law or manner stipulated by the law and from the above it can be deducted that the manner of law was not followed

An executive order to demolish the hotel is one thing ,but it cannot be justified in parliament the Governor of kuzland is in breach of the fundamental principles of the LUA and therefore is liable. In my opinion I am convinced beyond any iota of doubt that the governor would be liable and would pay compensation as well as exemplary damages to dissuade other chief executives from taking very rash decisions on their subjects

But the law as we know it is not biased the governor is liable for breach of the constitution more so the hotel owner would be liable to a fine or time served in prison