NAME: ONUNWOR VICTORIA CHIGONUM

LEVEL: 400

MATRIC NUMBER: 16/LAW01/178

COURSE TITLE: LAND LAW II

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TEST.

The legal issues in the above question are;

1. Whether the government had the power to revoke the statutory right of occupancy of Chief Ajah.
2. Whether his claim will be successful in court.

Revocation of power is the power of the governor to revoke statutory right of occupancy for overriding public interest, it is lawful for the governor to do is.

According to section 28 of the land use act that defines revocation of rights and compensation together with the three requirements which must be fulfilled for any form of revocation to be carried out such as:

Purpose

If there is a valid notice

Adequate Compensation

In relation to the above three requirements to the above question the governor didn’t fulfill the three requirements for his actions to be countered as void in the sense that he didn’t give Mr Ajah any personal notice and the executive order that was given to him is not a legislation it’s just a directry and it has to be in tangent with the existing laws of state ( the constitution) so the executive of demolishing of buildings by the government is therefore inefficient.

So therefore in relation to the first legal issue the governor had no right to revoke any statutory right of occupancy to Chief Ajah because he didn’t give any form of personal notice to Chief Ajah on his purpose of demolishing his building by virtue of sections 28(6)(7) that states that a notice has to be given before the revocation of a person right of occupancy and its also stated in section 44 of the land use act and therefore this legal issue will be answered in the negative. In the second legal issue Chief Ajah’s claim will be successful in court will be answered in the affirmative.

In conclusion the lega advice which will be given to Chief Ajah will be to sue the governor as he has the right to and he will be successful this because the executive order as explained before above is not applicable to the existing laws and therefore isn’t efficient as a reason for demolishing Chief Ajah’s building and also for not granting a personal notice for carrying out his actions and therefore by virtue of section 29(4) the governor should compensate Chief Ajah.