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ANSWER

The legal issue for determination is whether or not the act of the governor of Kuzuland was constitutional or not.

It is an act of executive lawlessness to be the accuser, prosecutor, judge and punishment executioner. The governor of kuzuland has no legal right in law to confiscate or demolish the property of citizens by executive fiat. surely two wrongs cannot make a right. It should be stated that there is no power under the Land Use Act to summarily demolish buildings even if the right of occupancy had been revoked(which in light of this matter did not follow, he did not follow due process of first revocation as stipulated in the land use act) . The land use Act is the principal legislation on this subject matter even in kuzuland.

The demolition to me would be considered unconstitutional, despotic and a gross abuse of power. The governor is not permitted by any law to arrogate the powers of the court to himself. Furthermore, he is not empowered to amend the provisions of the Nigerian constitution.

The kuzuland government under the supervision of the governor acted pursuant to an Executive Order to destroy the said properties. However, it admits of no controversy that the power to determine the guilt of an offence and to issue penalty accordingly lies only within the courts. This whole essence of *chapter 7 of the Nigerian constitution of 1999(as amended)* which provides for the judicature.

It is therefore unfortunate that the governor proceeded on this exercise of illegality without caution.

*Section 5 of the Quarantine Act* states: Any person contravening any regulations made under this Act shall be liable to fine of #200 or to imprisonment for a term of six months or to both.

In *Onah v. FRN(2017) LPELR-43535(CA),*the court established that: while the sentence of the court must be in accordance with that prescribed by the statute creating the offence, a court cannot impose a higher punishment than that prescribed for the offence. This had been the position of the law in other cases such as; *Agbiti v. The Nigerian Navy(2007) LPELR-4893(CA), Ali v. FRN(2016) LPELR-40472(CA).*

It must be emphasized that the Executive Order of the governor is nothing but mere subsidiary legislation. Even though a subsidiary legislation has the force of law, it cannot override the provisions of its enabling law. The enabling law to the governor is the Quarantine Act, The executive Order can therefore not impose a penalty outside of and higher than what the Quarantine Act provides.

In conclusion, I advice chief Ajah to seek redress or sue the governor and demand damages for the demolished hotel as he did not follow due process.