**NAME: DIMKA GERALD KOPJI**

**MATRIC NO: 16/LAW01/061**

**COURSE TITLE: LAND LAW II**

**COURSE CODE: LPB 402**

**CONTINUOUS ASSESSMENT TEST**

The legal issue is whether the act of demolishing the Tarzan Hotel by the Governor of Kuzaland was unconstitutional. The act which was committed by the Governor was highly unconstitutional, tyrannical, and a gross abuse of power. The Governor of Kuzaland is not allowed or permitted by any sort of law to appropriate or lay claim to the powers of the court. The Governor of Kuzaland is as well not empowered to amend the provisions of the nation’s Constitution.

The demolition order given by the Governor of Kuzaland acted pursuant to an Executive order to demolish the Tarzan Hotel. However, it admits to no controversy that the power to determine the guilt of an offence and issue penalty according lies within the courts. This is the whole essence of **Chapter 7 of the Constitution** which provides for the Judicature. Though the Covid-19 pandemic is a serious dilemma to the nation, it is still not an excuse for the Governor to perform such illegality without any sort of caution.

**Section 5 of the Quarantine Act** states that: Any person contravening any of the regulations made under this Act shall be liable to a fine of N200 or to imprisonment for a term of six months or both.

It is absolutely deplorable that under the Quarantine Act upon which the Governor purportedly issued the executive order, there is so provision at all for the demolition of property.

It must also be noted that the Executive Order of the Governor of Kuzaland is nothing but a 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 Kuzaland Executive Order is the Quarantine Act, the Executive Order can therefore not impose a penalty outside of and higher than what the Quarantine Act prescribes.

In **ONAH v. FRN (2017)**, 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.

According to Section 28(6) of the Land Use Act it states that: the revocation of a right of occupancy shall be signified under the hand of a public officer duly authorised in that behalf by the Governor and notice thereof shall be given to the holder.

In the case of ONONUJU V A.G ANAMBRA STATE, it was held that there was valid notice before an action was taken.

In conclusion the actions of the Governor demolishing the hotel was unconstitutional and unjustified.