**NAME: UBA KOSISOCHUKWU**

**MATRIC NO.: 16/LAW01/200**

**COURSE: LPB 402**

**DATE: 15/05/2020**

**LECTURER: Bar Olubiyi**

**TEST**

The legal issue in this scenario is whether or not the governor of Kuzuland was right for the demolishment of Chief Ajah’s Tarzan hotel, based on the executive order that he gave to the citizens of Kuzuland.

In my opinion, I’d ask Chief Ajah to go on ahead and contest the governor’s actions in the court of law because he was wrong for demolishing the hotel without giving Chief Ajah a private notice before doing so. However, my opinion also stands on the basis that there had already been a Quarantine law set in place specifically for this situation, making it supreme and active in place of the constitution and land use act, therefore instead of demolishing the hotel, the governor should have fined and imprisoned the chief as provided by S5 of the Quarantine law.

However, it should also be noted that the governor might want to use his executive order in defense of his action in the court of law, but since we are assuming that the laws of Kuzuland are the same as the Nigerian legislations, and in Nigeria The 1999 Constitution vests the executive powers within the president and not the governors, meaning that a governors executive order is a general policy statement and doesn’t have to have the force and effect of the law. The only purpose of such an order would be to motivate the states men to carry out said policies set out within the order.

If however we also still wish to take a look at the Land Use Act in the defense of this scenario, we could take a look at S28 of the Land Use Act which provides that in order for the government to revocate the right of occupancy from a citizen of his land, that they must satisfy three conditions to grant such revocation valid; a) it must be for the public’s interest. b) there must be a valid notice given individually to the bearer of the land in question. c) and there must be adequate compensation to the bearer.

With that being said we can look at the scenario and recognize that the demolishment was done in the interest of the public due to the COVID-19 outbreak, so this satisfies the first requirement to a god extent, but however, regarding the second and third requirements, the governor didn’t give the Chief several valid notice, meaning he had erred at that point and so the action is still arguable, as seen in the case of Ononuju v A.G Anambra State, and finally, if the governor must compensate Chief Ajah for his losses in the destruction of his property, otherwise the said action would be rendered invalid and thus have the governor face the force of the court.