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The legal issue for consideration in this case is whether the governor had the power to revoke the statutory right of occupancy of Chief Ajah and whether the claim would be successful in court.

The provision under the 1978 Land Use Act by virtue of Section 28 provides that the right of occupancy may be revoked by the governor for overriding public interest. This power is exercisable in respect of either statutory right of occupancy or customary right of occupancy. Overriding public interest includes the following: alienation by the occupier of any right of occupancy or part thereof contrary to the provisions of the act or any regulations made there under; requirement of the land by the government for public purpose; requirement of the land for mining purpose or oil pipelines; and requirement of land for extraction of building materials, in the case of customary rights of occupancy.

A demolition of property by the government is an act of revocation of the right of occupancy under the 1926 Land Use Act. By virtue of Section 28 (6) of the Act, any revocation of the 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. The notice must state the particular public purpose for which the land is required. The governor can also impliedly issue executive orders by virtue of Section 315 of the 1999 Constitution of the Federal Republic of Nigeria.

However, the land demolished belonged to Chief Ajah and was demolished because a violation of the quarantine regulations according to the government of Kuzuland. However, it is the judiciary that is tasked with the interpretation of law and responsible for determining if indeed a violation was made. Hence, the provision of the 1926 Quarantine Act by virtue of Section 5 which provides 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 to both. There is no part of this legislation that approves the demolition of property for breaking the laws stipulated and the court cannot grant such as established in *ONAH v. FRN* where it was stated 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.

Applying the circumstances established in the aforementioned sections as valid points for the revocation of a person's right to land, Chief Ajah was not served any form of notice that his property right to land would be revoked and was not given reasons for such. More so, Section 44 of the Constitution dictates that nobody can compulsorily acquire land. Which is the case in this scenario.

It is on these grounds that I render my advise to Chief Ajah that the governor was wrong to demolish his property because his actions was merely a subsidiary legislation and cannot overrule that of the law. The executive order is inconsistent with the constitutional and legal provisions. Chief Ajah should take the matter to court requesting for an award of damages as compensation for the damage of his property. It my objective position that it would succeed in court.