

NAME; ZAKIYYA HAMZA
MATRIC NO : 16/LAW01/093

LEGAL ISSUE

1. Whether the governors action was unconstitutional and contravenes the procedures under the constitution and the land use act.
2. Whether the executive order giving is a law and can function as a law.

The legal issue is whether the act of the Governor is unconstitutional and contravenes the land use act. Also, whether the governor has the right over the land in which the property was built.

According to the quarantine act and the executive right of the Governor to close down public places, hotels, any public places which goes contrary to this rule should be demolished or fined. However, according to Section 28 [1]of the land use act the Governor has the power to revoke right of occupancy for overriding public interest. The case of Amale v Sokoto L.G.A. It was held that the governor has the right to revoke a person right of occupancy for overriding public interest. Furthermore, for revocation to be valid certain requirements are excepted unless it will be nullified;

SECTION 28 OF THE LUA PROVIDES THE REQUIREMENT FOR REVOCATION

1. PURPOSE
2. VALID NOTICE
3. ADEQUATE COMPENSATION

SECTION 28 (1) provides that is lawful for the governor to revoke a right of occupancy for overriding public interest

However, the purpose of the governor demolishing and provoking the right of occupancy was because Chief Ajah failed to adhere to the instructions given by the state on the closure of all ventures on the effect of the pandemic in the state and Country.

In the case of Amale V. Sokoto Local government this case was on the basis of overriding public purpose

Also, although the reason of revocation was for overriding public interest, there are certain procedures and requirement which should be strictly adhere during

revocation which is obvious from the scenario that the Governor failed to adhere to.

Evaluating the Governor's action and the scenario at hand, the Governor acted unconstitutional and contrary to the land use act. The following laws stipulated by the land use act were not duly followed. The executive order relied upon by the Governor in the administrative instrument is not a law adding that constitution supersedes the Governor's order.

Issue 2

An Executive Order is not a law. It is the principal of law is that one cannot be punished for offence that is unknown to law. However, the punishment that was supposed to be given is that stipulated in the Quarantine Law.

The executive order is not a law and only an order of the government. However, the punishment was unlawful.

In conclusion, Mr. Tazan can bring an action against the Governor of Kuzaland on the ground that the laws of revocation were not duly followed that the Governor violated the requirement of the land use act, hence the action was unconstitutional and an abuse of power given to him. Also Mr. Tazan should know that he should bring the action to the high court as they have the original jurisdiction in respect of statutory right of occupancy.