

NAME: AKPOVI UYOYOU-OGHENE

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ANSWER

\_The legal issue for determination in the above case scenario is:

1) Whether or not the governor of Kuzuland has the right and the land use act to demolish Chief Ajah hotel.

2) Secondly whether the right of the government was unconstitutional.

This scenario revolves around the revocation of right of occupancy.

The right of occupancy may be revoked under section 28 by the governor for overriding public interest. This power is exercisable in respect of either statutory right of occupancy or customary right of occupancy. The power of revocation is also exercisable in respect of right of occupancy granted by the government.

For revocation to be valid there have to be three things involved and without them the revocation will be nullified

- a) Purpose
- b) Is there a valid notice
- c) Adequate compensation

The actual purpose of the governor demolishing and revoking the right of occupancy was because Chief Ajah failed to adhere to the

instructions given by the state on the closure of all ventures due to the effect of the pandemic in the state and country. In *Amale v. Sokoto government* this case was on the basis of overriding public purpose.

The second point to consider is whether or not there was a valid notice. The purpose of giving notice of the revocation of a right of occupancy is to ensure and inform the holder to process and steps be taken to extinguish his or her right of occupancy. Notice is a valid requirement before there can be revocation. The notice must be personal to the holder it can't be a general notice. Section 44 states a mode in which the governor did not adhere to *Ononuju v. State AG Anambara state* the notice was published in a gazette rather than personal.

In Nigeria an executive order is only valid when the president acts within the boundaries of their constitution and their statutory authority of their country. And it is not in the governors power to revoke the occupiers right without notice, so chief Ajah is entitles to compensation by the governor.