Busari Opeyemi

14/LAW01/072

Land Law II (LPB 402)

In accordance to Section 28(1) of the relevant provision The Land Use Act, the rights of occupancy shall be revoked by the Governor for overriding public interest. Chief Ajah, owner of the Tarzan hotel by exposing the general public at risk wit the continuation of business activities in is hotel. The revocation is exercisable if granted or deemed granted by the Governor. The pandemic, Covid-19 broke out in Kuzuland and the governor with due rights made the executive order closing down public places as a result of the nature of the virus and how contagious it is. However, revocation under section 28 of the act must be in accord with the intendment of the provisions of the act. Any exercise of the power of revocation for purposes outside those outlined by the section of the Act, or not carried out in compliance with the provisions of the section will be against the policy and the intention of the Act and will be declared void (Bookshops Ltd v Registered Trustees of Muslim Community in Rivers State.

A notice signified by a public officer authorized by the Governor as to be given to the holder of the property by virtue of section 28(6). Notice is very important; the Governor is allowed to revoke The Right of Occupancy only after issuing a notice (Federal Government of Nigeria v Chief Rasaki Akande). The mode must comply with the provision of the Act.

Compensation is prescribed for under the lad use act. This ensures that the holder is duly compensated when the right of occupancy has been revoked. And where the land has been demolished, the government may offer pecuniary compensation, resettlement etc. Under section 30 of the Land Use Act, any dispute as to the amount of compensation shall be referred to the Land Use and Allocation Committee.

Chief Ajah was aware of the order and what it entails and violated it. Hence, the demolishment of his hotel as stated in the order. However, he can be compensated as a result of the demolishment of his hotel as stated under the Section 30 of the Land Use Act. This could be monetary or resettlement, it must be done in accordance to the Land Use and Allocation Committee. His chances of success are minimal, cause the demolishment was done in accordance to the appropriate provision. His chance for justice is to seek compensation for the demolishment of his hotel.