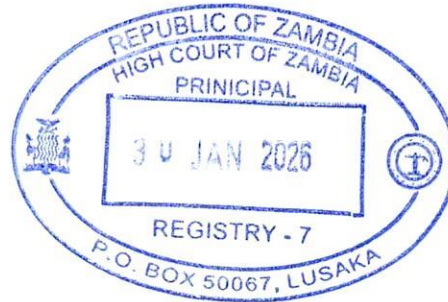


**IN THE HIGH COUR FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)**

2019/HP/1704

BETWEEN:

HENRY MULENGU (*Suing as Village Headman*)
MAAMBO
GERTRUDE MKANDAWIRE
ALICE KALOMO
FRED MUKWAKWA
JOHN KATONGO BWALYA
MR. KALAPA
CHANGULA (MALE)
MRS. CHANGULA
REMMY HANGOMA
DICKSON MWANZA
LAZARO MAAMBO
DOMINIC TOLOSI
MUBIANA PATSON NYAMBE
ANNA NDUUND
BBAKALI MIKAYA



1ST PLAINTIFF
2ND PLAINTIFF
3RD PLAINTIFF
4TH PLAINTIFF
5TH PLAINTIFF
6TH PLAINTIFF
7TH PLAINTIFF
8TH PLAINTIFF
9TH PLAINTIFF
10TH PLAINTIFF
11TH PLAINTIFF
12TH PLAINTIFF
13TH PLAINTIFF
14TH PLAINTIFF
15TH PLAINTIFF
16TH PLAINTIFF

AND

KANTILAL SUNDEEP RANHHOD
KAFUE DISTRICT COUNCIL
ATTORNEY GENERAL

1ST DEFENDANT
2ND DEFENDANT
3RD DEFENDANT

Before Hon. Justice S. Chocho in Chambers on the 30th January, 2026

For the Plaintiffs: Mr. J Katati of Messrs Dove Chambers.
For the 1st Defendant: Mr. BJ Abwino of Messrs Ranchod Chungu Advocates.
For the 2nd Defendant: Mr. N Katowa-Mutetwa – In House Counsel.
For the 3rd Defendant: Ms. T Nyendwa of Messers Attorney Generals Chambers.

J U D G M E N T

Cases Referred to:

1. *Silas Ngowani and Others vs Flamingo Farms Ltd. Selected Judgment No. 5 of 2019; and*
2. *Ikanuke Mooyo vs Hastings Mwila and Attorney General 2020/HP/1182.*
3. *Joyce Ndavuka Gondwe vs Chrisine Ziwolile Ngwira Appeal No. 37/2015.*
4. *Sithole vs Starte Lotteries Board 1975 ZR 106.*
5. *Yengwe Farms Ltd. Vs Masstock Zambia Limited SCZ Judgment No. 11 of 1999.*
6. *Admark Ltd vs Zambia Revenue Authority SCZ No. 9 of 2006.*
7. *Justine Chansa vs Lusaka City Council (2007) ZR 185.*
8. *Elias Tembo vs Maureen Chirwa and Others SCJ No. 5 of 2018.*
9. *Hildah Ngosi (suing as Administrator of the estate of Washington Ngosi) v The Attorney General and Another SCZ Judgment No. 18 of 2015.*

Legislation Referred to:

1. *The Constitution of Zambia Chapter 1 of Laws of Zambia.*
2. *The Lands Act Chapter 184 of the Laws of Zambia.*
3. *Water Resources Management Act No. 21 of 2011.*
4. *The Water (Protection of Public Streams and Sources of Water Supply Regulations, 2000.*

1. **INTRODUCTION**

1.1 This Judgment is in respect of the Plaintiffs' claim as against the Defendants, commenced by Writ of Summons dated October 28th, 2019.

The Plaintiffs claim as follows;

- (i) An Order or declaration that the purported acquisition of Certificate of Title Number 61292 in respect of Lot Number Kafue/2246704 by the 1st Defendant in respect of the Plaintiffs' land situate in Mutentami village under Lukolongo Zone 12 under the jurisdiction and control of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II, null and void *abnitio* on the grounds of the Defendants' circumvention of the prescribed procedure for acquisition of Certificate of Title on a customary tenure or holding;
- (ii) An Order for the cancellation of the Certificate of Title Number 61292 in respect of Lot Number Kafue/2246704 issued by the Chief Registrar of Lands and Deeds in favour of the 1st Defendant on 27th July, 2019 on grounds of fraud, impropriety and sharp practice committed or orchestrated by the Defendants in the process of acquisition of the Certificate of Title;
- (iii) An Order for damages as against the 1st Defendant for trespass to the Plaintiffs' customary land;

- (iv) An Order of Injunction restraining the 1st Defendant either by himself, his agents, servants or by whomsoever from interfering in any way with the Plaintiffs' possession or quiet enjoyment of their customary land or forcibly evicting or removing them from their customary land to which the 1st Defendant has fraudulently and without following the prescribed procedure acquired a Certificate of Title without the Plaintiffs' knowledge and consent and without the consent of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II under whose jurisdiction and control the customary land falls and further to restrain the 1st Defendant from subdividing, selling, encumbering, developing or disposing of the land comprised under Certificate of Title Number 61292;
- (v) Any other relief the Court may deem fit; and
- (vi) An Order for costs against all the Defendants.

1.2 The 1st Defendant entered Appearance and filed Defence on November 11th, 2019 which he Amended on April 30th, 2021. By that Defence the 1st Defendant denies the Plaintiffs' claims, putting the Plaintiffs to strict proof thereof.

1.3 The 1st Defendant avers that the Subject Land is under Certificate of Title and never been customary land even though he informed and got consent from the Plaintiffs' Senior Chieftainess Nkomeshya

Mukamambo the II, where there was no legal requirement for him to and he acted under mistake belief that she and the Plaintiffs did when he applied for their consent (when in fact not).

- 1.4 The 1st Defendant avers that he did not require Consent as Farm 2246704 Kafue is Specifically excluded from Native Reserves and Trust Land (Customary Land).
- 1.5 The Defendant avers that he followed all the laid down legal procedures in acquiring Certificate of Title for the Subject Land with the 2nd and 3rd Defendants.
- 1.6 The 1st Defendant Counter-claimed as follows;
 - (i) The sum of a sum of K3,000.00 had and received by the Plaintiffs from the 1st Defendant on the 6th of December 2014 for the purpose of siting allowance for headmen for purposes of obtaining an offer letter from Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II when in fact not and which sum of money the Plaintiffs diverted for their own use;
 - (ii) The sum of a sum of K5,000.00 and K10,000.00 had and received by the Plaintiffs from the 1st Defendant on the 17th of February 2016 for the purpose of travelling to Chongwe to obtain the approval of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II when in fact not and which sum of money the Plaintiffs diverted for their own use;

(iii) Any other relief the Court may deem fit; and

(iv) An Order for costs.

- 1.7 The Plaintiffs filed Amended Reply and Defence to the 1st Defendant's Defence and Counter-claim.
- 1.8 By their Amended Reply they joined issue with the 1st Defendant on his Defence and puts the 1st Defendant to strict proof thereof.
- 1.9 The Plaintiffs denied the Counter-claim and avers that the Counter – Claim is irregular as its not proceeded by demand letter.
- 1.10 The 2nd Defendant entered Appearance and filed Defence on November 18th, 2019 by which Defence the 2nd Defendant denied the Plaintiffs' claims.
- 1.11 The 2nd Defendant avers that the 1st Defendant complied with the procedure for conversion of Customary to State land tenure, which application was approved on December 22nd, 2016.
- 1.12 The Plaintiffs by Reply dated December 10th, 2019 joined issue with the 2nd Defendant's Defence.
- 1.13 The Plaintiffs aver that Senior Chieftainess Nkomeshya Mukamambo the II did not consent to the conversion of the Subject land to State tenure. That the Plaintiffs have rights to use and occupation of the land.
- 1.14 The 3rd Defendant entered Appearance and filed Defence on August 31st, 2022 by which Defence the 3rd Defendant denied the Plaintiffs' claims.

- 1.15 The 3rd Defendant avers that the Subject land does not fall under customary land that lies in buffer zone and therefore did not require consent or conversion from the Chief.
- 1.16 That regardless of Paragraph 1.15 above, there's on file a Site Plan with stamps from Busoli Chiefdom (Lukolongo Zone 12) verifying and accepting marking off of the land and its conversion to leasehold. Further that the 3rd Defendant issued Certificate of Title No. 61292 in favour of the 1st Defendant.
- 1.17 The Plaintiffs' Reply dated November 21st, 2022 joined issue with the 3rd Defendant's Defence and claims fraud in conversion.
- 1.18 The Plaintiffs aver that the Subject land has always been customary from time immemorial.

2 **TRIAL COURSE**

- 2.1 The matter was scheduled and trial heard on March 18th and 19th, 2025. The Plaintiffs called 3 witnesses in aid of their case. The Court subpoenaed 2 witnesses and the 2nd Defendant called 1 witness in aid of its case. The 1st and 3rd Defendants called no witnesses.
- 2.2 PW1 was one Daniel Kalapa who submitted witness statement dated November 28th, 2022 and testified under oath in Bemba language.

- 2.3 PW1 testified in chief that he moved onto the Subject land in 1981 with his family having been given piece of 5 acres land by Village Headman Mutentami.
- 2.4 PW1 testified that in 2019 he saw the 1st Defendant walking and inspecting on PW1's land and later found holes on his land dug by the 1st Defendant's workers. PW1 testified that he ignored all this.
- 2.5 PW1 further testified that he was summoned to Kafue Police Station on allegation that he was cultivating on another person's land and the Police advised him to settle with the 1st Defendant as he was the new owner in possession of a Certificate of Title.
- 2.6 PW1 testified that he was forced off the land and learnt that other Plaintiffs were displaced by the 1st Defendant who only showed up in 2016.
- 2.7 PW1 testified that if the 1st Defendant is allowed to permanently displace him and his family, he would lose a lot of valuable possessions such as tents, barbed wire, a speed boat and various farming equipment he put on the land.
- 2.8 Under cross examination, PW1 conceded that he left the Subject land because the law does not allow him to farm on titled land. But did not agree that the Subject land is on title and he did not know Farm No. 2246704.

- 2.9 PW1 conceded that he doesn't know where the titled land starts and ends. Further that he cannot identify State land from Customary land.
- 2.10 PW1 further testified that he and his family left the Subject land and found alternative land to stay on.
- 2.11 PW1 was not subjected to re-examination.
- 2.12 PW2 was Christopher Bbakali Mikaya Lands Committee member of Busoli Royal Establishment who submitted a Witness Statement dated November 29th, 2022. PW2 testified on oath in Nynja language.
- 2.13 PW2's evidence in chief is reproduced below.

I am the 16th Plaintiff in this matter, the current acting Village Headman Mutentami of Lukolongo Zone 12 in Kafue District since 9th April, 2020 and Traditional District Coordinator for Kafue District since 2016 under the Chieftom of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II of Kafue and Chongwe Districts of Zambia. The letter confirming my appointment to the position of Acting Headman Mutentami is on page 37 of the Plaintiffs' bundle of documents.

- 2.14 Being the Acting Village Headman Mutentami and Traditional District Coordinator for Kafue District, I represent the interests of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II as well as the other Plaintiffs in this matter who are members and dwellers of Mutentami Village and who are in danger of being displaced by the 1st Defendant after acquiring a certificate of title to the land owed and used

by the Plaintiffs in questionable and fraudulent circumstances with the help from the 2nd and 3rd Defendants.

2.15 I am also a farmer who owns a small farmland of approximately 7 hectares on the customary land the 1st Defendant herein he converted to leasehold tenure where I used to cultivate and farm different kinds of crops for the livelihood of myself and my family before the 1st Defendant came.

2.16 All the Plaintiffs are villagers under Mutentami, Lukolongo Zone 12, Kafue District under Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II's Chieftom and are owners of various pieces or parcels of land, under customary tenure.

2.17 The land occupied by the Plaintiffs under Mutentami Village is Customary land which falls under the jurisdiction of Chieftom of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II of Kafue and Chomgwe Districts who is the Senior Chieftainess of all the Plaintiffs in this matter.

2.18 The Plaintiffs have occupied the land in question from as far as I can remember together with their families and they use it for various activities including farming, burial site, grazing area and residential among other things.

2.19 The Plaintiff lived peacefully in this area without any form of confusion until sometime in 2019 when the 1st Defendant acquired a certificate of

title to the land occupied by the Plaintiffs measuring approximately 149 Hectares as shown by the Certificate of Title on page 29 of the Plaintiffs' bundle of documents without the knowledge of the Plaintiffs or the Consent of Senior Chieftainess Nkomeshya Mukamambo the II.

2.20 Around September, 2019, the Plaintiffs learnt that the Ministry of Lands had on 27th July, 2019 issued a Certificate of Title Number 61292 in favour of the 1st Defendant to the Plaintiffs' customary land without consulting the Plaintiffs herein who have interest to the land under customary tenure and without the consent and knowledge of Her Royal Highness Senior Chieftainess Nkomeshya Mulamambo the II under whose Chieftom the land falls under customary tenure.

2.21 Sometime between 2016 and 2017 before the 1st Defendant obtained a Certificate of Title to the land which is owned and occupied by the Plaintiffs, it came to my attention that the 1st and 2nd Defendants were processing documentation for the issuance of a Certificate of Title for the land in issue in favour of the 1st Defendant without the consent of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II as required by law. This discovery was made after I came across the minutes of the 2nd Defendant Council dated 21st November 2016 and produced on pages 4 to 7 of the Plaintiffs' bundle of documents as well as pages 19 to 21 of the 1st Defendant's bundle of documents and I accordingly informed Her Royal Highness about the same.

- 2.22 Following the discovery in paragraph 9 above, Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II directed her Principal Advisor, one John Luputa to write to the 2nd Defendant Council to confirm if it indeed was processing documentation relating to recommendation to the Commissioner of Lands for the issuance of a Certificate of Title to the 1st Defendant without her consent. This is demonstrated by the undated letter on page 1 of the Plaintiffs' bundle of documents.
- 2.23 Upon receipt of the letter in paragraph 10 above, the 2nd Defendant Council Secretary by a letter dated 17th May, 2017 wrote back to the Principal Advisor to Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II Mr. John Luputa and assured him that the 2nd Defendant Council had stopped processing the 1st Defendant's application immediately it received complaints from the Busoli Royal Establishment and further stated that the was not going to process the 1st Defendant's application until it received confirmation from the Royal Establishment. This is confirmed by the letter on page 27 of the Plaintiffs' bundle of documents.
- 2.24 After the issuance of a certificate of title to the land in question to the 1st Defendant and before the commencement of this matter, Plaintiffs and the Busoli Royal Establishment under Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II instructed its Advocates

on record to request for an explanation from the 2nd Defendant Council as to the circumstances under which the Certificate of Title to the land was issued to the 1st Defendant having earlier undertaken not to do so but no explanation has been given to date. This is confirmed by a letter dated 13th September 2019 on pages 35 and 36 of the Plaintiffs' bundle of documents which letter was copied to the Commissioner of Lands among others.

2.25 There was fraud and impropriety orchestrated principally by the Defendants in the process leading to the 1st Defendant's acquisition of the Certificate of Title Number 61292 for Lot Number Kafue/2246704 based on the following grounds:-

- (i) The land in question was converted from customary to State land through issuance of the Certificate of Title to the 1st Defendant without following the laid down procedure as there was no consent firstly from Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II under whose jurisdiction and control the land herein falls under customary tenure and secondly from the Plaintiffs in this matter who have interest in the land under customary tenure. The Consent on the basis of which the Certificate of Title was issued to the 1st Defendant was signed by one Paul Shumba who is not the Senior Chieftainess and has never been chief in the history of the Nkomeshya Chiefdom. This

Consent is produced on page 3 of the Plaintiffs' bundle of documents as well as page 15 of the 1st Defendant's bundle of documents.

- (ii) The 2nd Defendant Council in collusion with the 1st Defendant proceeded to process the 1st Defendant's application for the conversion of customary tenure into leasehold tenure by way of grant of Certificate of Title on the basis of a consent signed by Paul Shumba and not the Senior Chieftainess when the 2nd Defendant had earlier on by letter dated 17th May, 2017 on page 27 of the Plaintiffs' bundle of documents undertaken not to do so until the 2nd Defendant received confirmation from the Busoli Royal Establishment.
- (iii) The issuance of the Certificate of Title to the 1st Defendant by the Ministry of Lands under the circumstances stated above has resulted into the infringing of the Plaintiffs' legally protected rights to their land under customary tenure and the 1st Defendant even demolished some of the structures on the land belonging to the Plaintiffs including my structure.
- (iv) The Plaintiffs herein have been on the land for more than 40 years and this is confirmed by the Report from Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II on page 53 of the Plaintiffs' bundle of documents where it is stated that

Mutentami Village was established in about 1960's and the said village has animals, 3 old grave sites and many other infrastructure which the 1st Defendant wants to take over. Further a letter on page 69 of the Plaintiffs' bundle of documents from the 2nd Defendant Council confirms that the village where the 1st Defendant herein is about to displace the Plaintiffs' has been in existence from around 1946 and currently with 143 registered households. Thus, even if the land was not customary (which it is), the 2nd and 3rd Defendants should have offered it to the Plaintiff's first who have occupied it for many years as opposed to giving it to the 1st Defendant who only came on the scene in 2016.

2.26 The allegations of the 1st Defendants that the land in question is not customary land but State land not true as the land in question as always been customary land under the jurisdiction and control of Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II and this is demonstrated by the following:-

- (i) The whole process by which the 1st Defendant was issued with the Certificate of Title Number 61292 in respect of Lot Number Kafue/224670 involved converting customary land to State land as the process begun from Mutentami village, then moved to the 2nd Defendant Council and finally the Ministry of Lands as

demonstrated by the 1st Defendant's own documents from pages 8 to 15 and 19 to 30 of the 1st Defendant's bundle of documents. If the land is State land as the 1st and 3rd Defendants are claiming, they would have not used the process they used to process the Certificate of Title in the names of the 1st Defendant.

- (ii) The diagram in the Certificate of Title relating to the land in question which was issued to the 1st Defendant on page 7 of the 1st Defendant's bundle of documents clearly shows that the land in question was customary before it was converted as it is all surrounded by customary areas everywhere and if the land in question is state land as the 1st and 3rd Defendants are claiming, it would not be surrounded by customary areas.
- (iii) The Lot Number on the Certificate of title which is shown on page 28 of the Plaintiff's bundle of documents also shows that the land in question was customary before it was converted to leasehold by way of issuing a certificate of title. The Lot Number is not part of any systematic numbering of the Lots in the area.
- (iv) The 2nd Defendant Council which was fully and actively involved in the process of conversion of the land in question to leasehold tenure from customary land and made recommendation to the Commissioner of Lands has admitted in paragraphs 3 and 4 of its Defence that indeed the subject land was converted from

customary land to leasehold before Certificate of Title No. 61292 was issued to the 1st Defendant.

- (v) The Plaintiffs' Advocates on record Messrs Dove Chambers wrote to Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II in a letter dated 29th April, 2021 on page 52 of the Plaintiffs' bundle of documents to find out the status of the land in question before the 1st Defendant was issued with the Certificate of Title and it was confirmed by the Chieftainess and the traditional leadership under her that the land has been customary land from time immemorial. This is confirmed by the Report on pages 53 to 59 of the Plaintiffs' bundle of documents.

2.27 The Report and the Maps produced by the Defendant on pages 25 to 38 of the 1st Defendant's bundle of documents is inconclusive and does not help to determine whether the land in question was customary or State land before the issuance of the titled because of the following:-

- (i) The 1958 chieftom map on which the report relies is a draft map and cannot be used for a land claim and this was confirmed by in the Ruling of the Lands Tribunal where the 1st Defendant has been sued by myself for getting another Certificate of Title for another piece of land in Mutentami village in questionable circumstances. The Ruling of the Lands Tribunal is on page 64 of the Plaintiffs' bundle of documents.

- (ii) The Report ignores the history of the property such as when it was numbered.
- (iii) It does not show the land in question required planning permission or not.
- (iv) It does not show whether social survey was conducted before issuance of the Certificate of Title or not.

2.28 The 1st Defendant want to displace the Plaintiffs' herein in order to subdivide the land and sale it to people with money. This is shown by the minutes of the 2nd Defendant Council on pages 38 to 44 and in particular pages 42 to 43 where the 1st Defendant applied to the 2nd Defendant Council to subdivide the land in question but the 2nd Defendant Council could not approve the application as the matter was active in court.

2.29 And the land in issue is not only the land the 1st Defendant has acquired in questionable circumstances in Mutentami village as he has also acquired another piece of land measuring more than 117 hectares right next to Lot Kafue 2246704 as shown by the Certificate of Title on pages 4 to 10 of the Plaintiffs' bundle of documents. The 1st Defendant keeps on displacing my villagers in Mutentami Village from the only land they have ever known by acquiring titles in questionable circumstances with the help of the 2nd and 3rd Defendants. The Plaintiff's have nowhere to go once displaced by the 1st Defendant.

- 2.30 The claims of the Plaintiffs in the Counter-Claim are denied as the money was paid for specific purposes which the recipients performed thereby using the money for the intended purposes and the Plaintiff cannot claim the money today when it was used for the purpose he paid it for. Further some recipients are not parties to this suite and are unknown to me.
- 2.31 The Plaintiffs want this Court to help us prevent the 1st Defendant from illegally evicting us from our own land which has been occupied and used by the Plaintiffs' for various activities to sustain themselves and the families from time immemorial.

Cross examination – PW2

- 2.32 Under cross examination PW2 conceded that he is not a registered Surveyor nor a Cartographer (creation, design and production of maps). PW2 conceded further that his testimony in chief over the interpretation of page 34 Plaintiffs' bundle of documents is from a lay mans' position/understanding, and not expert opinion.
- 2.33 PW2 further testified that neither Mr. Shumba and Her Royal Highness Chieftainess Nkomeshya are Registered Surveyors or Cartographers.
- 2.34 PW2 testified that the Ministry of Lands and Natural Resources prepared Report at page 35 of the 1st Defendant's bundle of documents

(in response to the Plaintiffs' request for them to ascertain whether farm 2246704 was customary/State land).

2.35 PW2 conceded that page 38 of 1st Defendant's bundle of documents concludes that the Subject land is State land meaning that there is no need for consent from the Chief.

2.36 PW2 testified that he had 20 hectares of land that formed part of the Subject land from which he was told to vacate and has not been given alternative land.

2.37 PW2 testified that he moved his family and animals to Katyoka village.

2.38 PW2 was not re-examined.

2.39 PW3 was one Andrew Mweemba who gave evidence on oath in Nyanja, he filed a witness statement dated November 28th, 2022. PW3's witness statement is reproduced below.

2.40 I am Senior Headman Chipongwe and Lukolongo Zone 12 Chairman mandated by Her Royal Highness Senior Chieftainess Nkomeshya Mukamambo the II to supervise 15 villages including Mutentami village where the 1st Defendant herein has acquired a Certificate of Title in very questionable and suspicious circumstances without following the laid down procedure.

2.41 Mutentami village falls under customary land and has been in existence for so many years under Senior Chieftainess Nkomeshya Mukamambo the II. There is a large community comprising of various families who

live there and whose livelihood depend on the land which is in question before Court today. This is demonstrated by the Report from Her Royal Highness Senior Chieftainess Nkomeshya produced on pages 53 to 59 of the Plaintiff's bundle of documents as well as letters from the 2nd Defendant Council on pages 69 and 77 of the Plaintiffs' bundle of documents.

2.42 Sometime in 2019 I received word that the 1st Defendant herein acquired a Certificate of Title to the land which was already occupied by the villagers who are the Plaintiffs in this matter under customary tenure and had started to put beacons on the property in readiness to subdivide the land. Exercising my authority as Zone Chairman, I went to the land in question to ascertain whether the information I received was correct and I discovered that indeed the 1st Defendant was on the piece of land in question and a number of beacons were placed to subdivide the land.

2.43 I together with the 16th Plaintiffs and other Traditional Leaders immediately went to see the Senior Chieftainess to inform her about the discovery we made. She informed us that she had not given consent as required by law for the land in question to land to be converted from customary land to leasehold tenure. It is Her Royal Highness that can give consent to convert customary land to leasehold tenure and not anyone else and there was no such consent which means the Certificate

of Title was given to the 1st Defendant fraudulently by the 2nd and 3rd Defendant.

2.44 Mutentami village is customary land and the procedure in acquiring the Certificate of title was not followed and the Senior Chieftainess refused to give Consent to the 1st Defendant because she wanted to protect the interests of her people who own the same land under customary tenure. If the Plaintiffs are displaced, they have nowhere to go.

2.45 The allegations by 1st and 3rd Defendants that the land in question is customary are not true and the Report from Her Royal Highness and the traditional leadership on pages 53 to 59 of the Plaintiffs' bundle of documents will demonstrate that the land in question has always been customary land occupied by the subjects of Senior Chieftainess Nkomeshya from around 1960s to date.

2.46 Even where a land like the one in question before Court today was to be State land, the 2nd and 3rd Defendants are bound to offer it to the Plaintiffs herein who have occupied it for many years exceeding 30 years and not the 1st Defendant who only came on the scene in 2016. The letter on page 69 of the Plaintiffs' bundle of documents from the 2nd Defendant Council confirms that the village has been in existence for so many years.

2.47 If this Court allows the 1st Defendant to evict the Plaintiffs herein, the Plaintiffs will have no where to go as the land in question is the only land they know and their livelihood and families depend on it.

Cross Examination – PW3

2.48 Under cross examination, PW3 testified that he did not know Trust land No. 5 nor the Typography map No. 1528C4.

2.49 PW3 further testified that he looks after the boundaries of the village and State land but he does not have a degree in land survey/map reading. That he is not a registered land surveyor.

2.50 PW3 testified that he had no documentary proof to show the boundaries of village and State land.

2.51 PW3 further conceded that page 69 in Plaintiffs' bundle of documents, refers to the whole village and not Subject land.

2.52 PW3 further testified that he distinguishes State land and customary land in that the former has plot numbers. That State land can be found in village when the Chieftainess has granted consent to change it to State land.

2.53 In re-examination, PW3 clarified that he knows boundaries by the stones/markers put there, streams, carvings on trees, mountains and roads.

2.54 The 1st and 3rd Defendants did not call any witnesses submitting that the Court subpoenaed witnesses would suffice.

- 2.55 DW1 was Esan Ngulube aged 52 gave evidence on oath. DW1 stated that his occupation as Chief Survey Examiner Ministry of Lands and Natural Resources under the Survey Department.
- 2.56 DW1 testified that he holds a Diploma in land Survey obtained at Copperbelt University and has worked for the 3rd Defendant for more than 20 years.
- 2.57 DW1 testified that is job description is Head of Quality Control (Certifying both Government and Private Surveys before the Government Surveyor approves them). He testified that his Principal Supervisor is the Surveyor General.
- 2.58 DW1 testified that he did not personally conduct the ground work leading to the Report as appears at pages 1 to 12 of the 3rd Defendant's bundle of documents dated February 18th, 2025.
- 2.59 The Court admitted the Report and allowed the parties to ask question for verification if need be.
- 2.60 The Plaintiffs' Counsel proceeded to ask questions.
- 2.61 DW1 confirmed that the property that was surveyed/inspected by Mr. Chomba, as per page 6 of the 3rd Defendant's bundle of documents, shows location right on the banks of the Kafue River.
- 2.62 DW1 confirmed that Buffer Zone denotes 50m from the river to plot. That the Buffer Zone is public land to be accessed by any Zambian.

- 2.63 DW1 denied knowing that the Subject land is located within the Buffer Zone.
- 2.64 Referred to paragraph 4 of the 3rd Defendant's Defence at page 27 of the Plaintiffs' bundle of pleadings, DW1 denied that the subject land is in the Buffer Zone.
- 2.65 DW1 confirmed that he knew the proceedings that applies to Certificate of Title on customary land different from those of State Land.
- 2.66 DW1 conceded that one has to strictly adhered to procedure of applying for State Land.
- 2.67 DW1 further conceded that it is irregular and illegal for one acquiring title on State land to use procedure for customary land.
- 2.68 DW1 denied knowing that the 1st Defendant used customary procedure to acquire Certificate of Title on the Subject land.
- 2.69 Referred to paragraph 2 of page 28 of the 3rd Defendant's bundle of documents and page 34 of the Plaintiff's bundle of documents, DW1 confirmed that the survey diagram relates to the Subject land, showing 3 sides of the Lot as customary area.
- 2.70 DW1 confirmed that the Subject land was never customary land and the Survey Diagram should have indicated the 3 sides as unsurveyed land and not customary land (that it was an error to reflect it as customary land).

2.71 DW1 conceded that he did not have any documentary evidence to prove the error on page 34 of the Plaintiffs' bundle (Survey Diagram).

2.72 DW2 was one Easter Changa aged 31, Registrar at Ministry of Lands and Natural Resources. -DW2 was subpoenaed by the Court.

2.73 DW2 testified that she holds a law degree and a law practicing certificate.

2.74 As per Order or subpoena of the Court, DW2 spoke to the Lands Register, Green file and other documents as relates to the Subject land. The documents as appears in the 3rd Defendant's bundle of documents duly admitted into evidence.

2.75 DW2 testified that the Land Register (page 1 of the 3rd Defendant's bundle of documents) in relation to the Subject land has three entries.

- ❖ State lease of 99 years between the President of the Republic of Zambia and one Kantilal Sundeep Ranchhod.
- ❖ Certificate of Title issued in the name of Kantilal Sundeep Ranchhod.
- ❖ Interim Court injunction in relation to present case.

2.76 DW2 testified that the procedure used to acquire the Certificate of Title was that as applies to State land and not customary land.

2.77 Referred to page 28 of the 3rd Defendant's bundle of documents, DW2 conceded that there's no need for the Chieftainess to endorse on the site plan when one is acquiring Certificate of Title on State land.

- 2.78 DW2 confirmed that according to the land Register the Subject land was State land and did not know if the same was customary before.
- 2.79 DW2 confirmed that pages 33 to 36 of the 3rd Defendant's bundle of documents is a Notice of meeting and minutes.
- 2.80 DW2 confirmed that page 35 of the 3rd Defendant's bundle of documents is titled Application for conversion of customary land to leasehold, and that entry No. 9 refers to Sundeep Ranchhod (1st Defendant) for 149 hectares of land located in Nkomeshya.
- 2.81 DW2 testified that she could not confirm that page 35 referred to the Subject land.
- 2.82 DW2 confirmed that from the documents in the 3rd Defendant's bundle of documents she was not in a position to state whether the Subject land was ever customary land, or if it was a conversion.
- 2.83 The 2nd Defendant called one witness in aid of its case. PW3 was one Oswald Sikazwe. This witness did not file a witness statement and in the interest of justice and by virtue of Order 3 Rule 2 of the High Court Rules, I waived the need for a witness statement and allowed for viva voce evidence.
- 2.84 DW3 Oswald Sikazwe gave evidence on oath in English language. He gave his occupation as Assistant Town Planner in the employ of the 2nd Defendant.

- 2.85 DW3 testified in chief that pages 2 -6 of the 2nd Defendant's bundle of documents is application for conversion of land from customary to leasehold tenure under minute PWDRE/15/11/2016.
- 2.86 DW3 testified that the Report shows that the application was approved. Further DW3 testified that for conversion, the 2nd Defendant prepares two recommendation letters one to Provincial Planner and the other to the Commissioner of Lands.
- 2.87 DW3 testified that page 13 in the 2nd Defendant's bundle of documents is a letter from Department of Physical Planning and Housing to the Commissioner of Lands, registering a no objection.
- 2.88 DW3 testified that the rest of the processes are done at the Ministry of Lands. That application just pays service charges to the Council.

Cross Examination – DW3

- 2.89 Under cross examination, DW3 testified that according to page 5 of the 2nd Defendant's bundle of documents, the location of land shows Nkomeshya Chiefdom whose size is 149 hectares.
- 2.90 DW3 conceded that according to documents at page 5 of the 2nd Defendant's bundle of documents, the Subject land was customary land and was converted to State land. Further that at the stage the land is not numbered.
- 2.91 DW3 testified that a letter from the 2nd Defendant to Provincial Planner (page 12, 2nd Defendant bundle of documents) is dated December 21st,

2016 and the Certificate of Title at page 28 – 34 of Plaintiff's bundle is in the name of the 1st Defendant dated July 26th, 2019.

2.92 DW3 further testified that he could not tell if the Certificate of Title referred to the same land on page 5 of the 2nd Defendant's bundle without going on site to verify co-ordinates.

2.93 Referred to page 10 to 11 of the Plaintiffs' bundle of Pleadings, DW3 testified that he did not know if he saw the application to Chieftainess Nkomeshya.

2.94 DW3 testified that the 2nd Defendant does allocate State land.

2.95 DW3 testified that he has worked for the 2nd Defendant for 5 years, confirming that the 2nd Defendant is an Agent of Ministry of Lands in land matters.

2.96 DW3 testified that according to the Report at page 2 of the 3rd Defendant's bundle of documents, the Report is from Ministry of Lands.

2.97 DW3 testified that according to the map at page 6 of the 3rd Defendant's bundle of documents, refers to L/Kafue/2246/704, which reads land tenure as State land.

2.98 DW3 conceded that according to the Report, it maybe possible that the 2nd Defendant made a mistake in saying that the Subject land was customary land.

2.99 DW3 testified that he did not know if inspection of the Subject land was done in 2016.

2.100 DW3 conceded that the 2nd Defendant did not know if the Subject land was customary land or not as the same was subject to inspection (page 5 of the 2nd Defendant's bundle of documents).

2.101 DW3 was not re-examined.

2.102 The Court moved to Subject land for scene or site visit to observe the beacons, buffer zone and the location of the grave sites.

❖ One Peter Shimaule aged 21 informed the Court that at age of 9 he identified two grave sites within the 1st Defendants plot (Subject land). The witness led the Court and the parties deep into the Subject land to the alleged point of burial place of 2 bodies.

The point of the alleged grave site did not appear as a grave site with grown and old trees showing no space for burial site.

❖ Henry Mulengu (aged 74 years) testified on site that the villager's main grave yard or site as per his testimony during trial was situated or located outside the boundary or fence of the 1st Defendant's plot or Subject land.

❖ Essan Ngulube (DW1) informed that Court that one beacon was submerged in the river as the water had moved closer to the banks due to heavy rains.

2.103 Further DW3 testified that by law, the Buffer Zone is 50 meters from the river banks, on which area no permanent structures are to be

constructed and the Buffer Zone cannot be on Certificate of Title as the same is public area.

2.104 DW3 testified that the Surveyor that had inspected the Subject land did not find other beacons.

❖ Both the Plaintiffs and the Defendants identified and agreed that the estimated Buffer Zone (50m from the Pillar by the water bank) has the following structures: -

- (i) 20 x 20m complete structure with thatched roof;
- (ii) Foundation of a of house or structure;
- (iii) One temporal structure with a roof (a shaded place); and
- (iv) Complete permanent structure with glass walls but no amenities (an art studio).

3. **LAW AND SUBMISSIONS**

3.1 The Parties filed written submissions and I am grateful for the same. I shall not reproduce the submissions as the same are on record, suffice to say that I have perused and considered all in this my Judgment.

3.2 The Plaintiffs submit that the survey Report and site visit show that the Subject land falls within the Buffer Zone and the 1st Defendant built on the Buffer Zone. The Plaintiffs submit that this contravenes **Article 253 (c) (d) (g) (i) (ii) and (iii) of the Constitution of Zambia Chapter 1 of Laws of Zambia.**

- 3.3 The Plaintiffs submit that the whole of the Subject land sits on a Buffer Zone and according to the (Trust Land) Order 1947 - 1964 No. v appendix 4, the 2nd and 3rd Defendants erroneously issued a Certificate of Title No. 61292 to the 1st Defendant in contravention of the Constitution and ought to be cancelled.
- 3.4 The Plaintiffs further submit that the Subject land was customary land before the issuance of Certificate of Title, confirmed by the minutes of the meeting approving conversion to leasehold and the fact that the Plaintiffs have lived there for a long time administered under customary tenure under Chieftainess Nkomeshya. That the 1st Defendant has no right or authority to process Certificate of Title without knowledge or approval of the Chieftainess.
- 3.5 The Plaintiffs rely on **Sections, 3 (4), 7 and 8 of the Lands Act Chapter 184 of the Laws of Zambia**. The Plaintiffs submit that the 1st Defendant's Certificate of Title was fraudulently issued and without following the law or procedure prescribed by law.
- 3.6 The Plaintiffs submit in the alternative that even if the Subject land is State land, Certificate of Title No. 61292 was irregularly issued by reason that the Plaintiffs were allocated land and lived there way before the 1st Defendant used the land for farming.
- 3.7 The Plaintiffs submit that the 2nd and 3rd Defendants did not carry out social survey and the Green File does not contain social survey Report.

3.8 The Plaintiffs further submit that the process or procedure adopted to obtain the Certificate of Title was that of customary land.

3.9 The Plaintiffs submit that the 1st Defendant did not follow procedure as laid down in **Administrative Circular No. 1 of 1985**.

3.10 Relying on the authority in the cases of:

❖ **Silas Ngowani and Others vs Flamingo Farms Ltd. Selected Judgment No. 5 of 2019¹**; and

❖ **Ikanuke Mooyo vs Hastings Mwila and Attorney General 2020/HP/1182²**.

the Plaintiffs call for the cancellation of the 1st Defendant's Certificate of Title and to be declared rightful owners of the Subject land.

3.11 The 1st Defendant submits that the Plaintiffs have failed to prove or show that the Subject land is situated on their land or that it was customary land. That the Plaintiffs have not pleaded or proved fraud or any allegation of impropriety or sharp practice.

3.12 The 1st Defendant submits that the claim for trespass can't hold as the Plaintiffs have not shown proof of title or ownership.

3.13 The 1st Defendant submits that he holds Certificate of Title on the Subject land and that the same has never been customary land. Reference was made to page 38 of the Plaintiffs' bundle of documents and the **Zambia (Trust Land) Order 1947 to 1964**.

3.14 The 1st Defendant submits that none of the Plaintiffs' witnesses are land survey experts and the 3rd Defendant's Report is clear that the Subject land is State land. That the Expert witnesses testified to the fact that the Subject Land is State land and urges the Court to accept the expert testimony.

3.15 Relying on the following cases:-

❖ **Joyce Ndavuka Gondwe vs Chrisine Ziwolile Ngwira Appeal No. 37/2015³; and**

❖ **Sithole vs Starte Lotteries Board 1975 ZR 106⁴.**

the 1st Defendant submits that the Plaintiffs failed to prove fraud and there is no presumption of fraud.

3.16 The 1st Defendant submits that the only consent he needed was from the President as regulated by **Section 5 of the Lands Act**. That the 1st Defendant had no legal obligation to obtain consent from Chieftainess Nkomeshya.

3.17 The 1st Defendant submits that page 29 of the 3rd Defendant's bundle of documents shows that the application or procedure taken by the 1st Defendant for the land and the Plaintiffs documents for consent don't appear on the Green File.

3.18 The 1st Defendant submits that no procedural impropriety exists in the obtaining or issuance of Certificate of Title. The 1st Defendant submits that he duly applied for the Subject land (page 22 of the 3rd Defendant's

bundle of documents) and that the Plaintiff did not plead the need for Social Survey and therefore no chance given to the Defendants to defend and lastly that the policy does not make it mandatory for the 2nd Defendant to advertise the land applied for.

3.19 Relying on the cases of **Yengwe Farms Ltd. Vs Masstock Zambia Limited SCZ Judgment No. 11 of 1999⁵** in which the Court held that;

“The Supreme Court opined that Circular No. 1 of 1985 is one of policy and is meant to give general guidelines to District Councils. The Court added that the Circular did not bind the President and was not directed at the Commissioner of Lands”.

3.20 The 1st Defendant submits that the Plaintiffs are not owners of the Subject land and the 1st Defendant is owner by reason of Certificate of Title.

3.21 The 1st Defendant submits that all of the Plaintiffs unpleaded claims must be dismissed and relied on the case of **Admark Ltd vs Zambia Revenue Authority SCZ No. 9 of 2006⁶** in which it was held that;

“The purpose of pleadings is to ensure that in adverse of trial, the issues in dispute between parties are defined”.

3.22 The 1st Defendant submits that the Subject land in its size of 149 hectares does not fall within the Buffer Zone. Referring to the **Water Resources Management Act No. 21 of 2011** which defines Riparian land (aka Buffer Zone) as;

“Means any land on or along the boundary of the whole or portion of which a water resources exists.”

Regulation 3 of the Water (Protection of Public Streams and Sources of Water Supply Regulations, 2000 (“the water Regulations”)

says the following;

“A person shall not, on any area of land within a distance of fifty meters of a bank of any public stream, cultivate or permit the cultivation of any crops, cut any tree, excavate any sand or in any manner conduct any activity likely to loosen the soil or diminish the quality of water flowing in any part of a public stream.”

- 3.23 The 1st Defendant submits that the placement of beacons is a function of the office of the Surveyor General and the **Land Survey Act** provides for procedure for the correction of any placement of beacons.
- 3.24 The 1st Defendant calls for the dismissal of the Plaintiffs’ case with costs.
- 3.25 The 3rd Defendant submits that this Court must determine 2 issues
- (i) Whether or not the 1st Defendant properly acquired the title; and
 - (ii) Whether or not the Certificate of Title should be cancelled.
- 3.26 The 3rd Defendant submits that it has authority to allocate land as it did, referencing authority in the case of **Justine Chansa vs Lusaka City Council (2007) ZR 1857**, Supreme Court held that;

“(1) The authority to consider applications for land allocation from members of the public is vested in the President of Zambia who has delegate this authority to the Commissioner of Lands.

(2) An applicant for land in terms of circular number 1 of 1985, an option either to apply directly to the Commissioner of Lands, or to apply through a Local Authority which has been delegated powers to receive application for land from members of the public.

(3) Where a member of the public opts for the second route, a Local Authority is mandated to advertise any land available, receive applications from members of the public and make recommendations to the Commissioner of Lands.

(4) The powers to allocate land and make offers to successful applicants is reposed in the Commissioner of Lands.”

(Emphasis my own)

That an applicant can apply directly to the 3rd Defendant or through the 2nd Defendant - the procedure adopted by the 1st Defendant is regular.

3.27 The 3rd Defendant submits that a Certificate of Title is conclusive evidence of ownership that the Plaintiffs have not pleaded or proved any fraud.

3.28 The 3rd Defendant submits that the Plaintiffs have failed to satisfy the burden of proof in civil matters and provided no evidence to support their claims. The 3rd Defendant calls for dismissal of the case with costs.

3.29 The 2nd Defendant had not filed submissions by date of the drafting of Judgment.

4. **COURT ANALYSIS AND DECISION**

4.1 The clear and undisputed facts in this matter are;

- The 1st Defendant holds Certificate Title No. 61292 to the Subject Land whose size is 149 hectares; and
- The 1st Defendant undertook process of conversion of the Subject Land from customary to leasehold.

4.2 The disputed facts are;

- Whether or not the Subject Land was customary land before the issuance of the Certificate Title; and
- Whether or not the procedure in the issuance of the Certificate of Title is tainted with illegality or fraud.

4.3 In my view the questions to be answered in settling this matter are as appears under disputed facts. The answer to the first question weighs heavily on the second question.

4.4 To the first question, the answer at first glance is that the Subject Land is leasehold or State land by reason that it is on Certificate of Title. The

existence of the Certificate of Title No. 61292 is an agreed fact as between the Parties.

The issue however is whether the Subject land was converted from customary to leasehold. The Plaintiff avers that the Subject land was previously customary land or tenure under the control of Chieftainess Nkomeshya Mukamambo the II of Chongwe District. The Plaintiffs claim is that they have been on the Subject land from time immemorial, way before the 1st Defendant processed the Certificate of Title over the 149 hectares (Subject land).

The Record shows that the 3rd Defendant testified and produced documentary evidence pointing to the Subject land having never been Trust land or customary land. Reference is made to evidence of DW1 and 2 being witnesses of the Court (Subpoenaed) and

- Pages 35 to 38 (1st Defendant's bundle of documents);
- Pages 2 to 12 (3rd Defendant's bundle of documents); and
- Pages 16 to 27, 43 to 49 the Green File as appears in the 3rd Defendant's bundle of documents.

The documents referred to above show that the Subject land has always been State land. Testimony was adduced in cross examination of DW1 that in fact the Plan at page 34 carries an error referring to the land surrounding or neighboring the Subject Land, as customary land.

The Green File at pages 28 to 43 of the 3rd Defendant's bundle of documents show that the 1st Defendant embarked on a process of conversion of the Subject land, from customary to State or leasehold. It would appear this process was abandoned and the 3rd Defendant proceeded to process the Certificate of Title under State land. The Green File further contains an application form, invitation to treaty, acceptance payment and Certificate of Title. The search/contents of the Green File are the legally recognized standard for Due Diligence search on land as per holding in the cases of **Elias Tembo vs Maureen Chirwa and Others SCJ No. 5 of 2018⁸** and **Hildah Ngosi (suing as Administrator of the estate of Washington Ngosi) v The Attorney General and Another SCZ Judgment No. 18 of 2015⁹**.

4.5 I shall consider the averment by the Plaintiffs that they have been on the Subject land since the 1900s and testimony under oath that there exists on the same grave sites or yard. This evidence and averment was not substantiated during the Site Visit. The Court was taken to a point within the boundary of the Subject land by the Plaintiffs' which point a witness claimed to be a grave site for two bodies. This evidence was in my opinion inaccurate and untruthful. Having been on site and considered the testimony of the 'Shepard boy' and the 1st Plaintiff, I find as a fact that no grave site is located within the Subject land.

I further find that the Plaintiffs have failed to prove that this portion of land was or is customary land. The documentary evidence points to the fact that the Subject land is and was State leasehold.

4.6 Having found as I have in paragraph 4.5 above to the effect that the Subject land is in fact leasehold, it goes without saying that there was no need for the 1st Defendant to undertake the land conversion process (ie customary to leasehold). The net effect is that the process was immaterial and un-necessary such that whether or not process was correct or not is of no consequence. Therefore, claims (a), (c) and d) fail.

4.7 The Plaintiff also claim an Order for the cancellation of the Certificate of Title over the Subject land issued to the 1st Defendant on grounds of fraud, impropriety and sharp practice committed or orchestrated by the Defendants in the process of acquisition.

The Supreme Court guided in the **Silas Ngowani and others vs Flamingo Farm Limited SCZ Selected Judgment No 5 of 2019**¹ that;

“fraud is not the only ground for cancellation of the Certificate of Title. It would be sufficient to show or prove that a Party did not comply or follow laid down procedure.”

The answer to the first question as points to the Subject land being State land influences the answer to the second question and the Plaintiffs claim for cancellation. I find that the Certificate of Title on the Subject land is not open for cancellation.

4.8 The Plaintiffs in their submissions make a sweeping statement that the entire Subject land sits on a Buffer Zone. Having been on site and listened to the witness, it is trite that at Buffer Zone is in fact measured at 50 meters of a bank of any public stream.

The Parties and the Court witness agreed on an estimated point of the beacon and having measured or established 50 meters from the river or water bank it was noted by the Court that certain permanent structures have been constructed by the 1st Defendant, on the Buffer Zone. I must state for the Record that the start point was an estimated point as the waters had moved due to heavy rains. I find that there's need by the Water Resources Management Authority to determine the exact Buffer Zone and should it be found that the permanent structures sit on the Buffer Zone, the same are to be demolished at the 1st Defendant's expense.

4.9 Lastly, I find that the 1st Defendant has failed to fully prosecute his Counter-Claim and having found that the Subject land was State land, all activities pointing to customary lease are inconsequential.

5. **CONCLUSION**

- 5.1 In light of the foregoing, I find that Lot No. Kafue/2246704 is State Leasehold not subject to land conversion from customary to State land.
- 5.2 I Order that ZAMA (at the 1st Defendant's cost, conducts a survey to determine Buffer Zone as refers to Lot No. Kafue/22466704.
- 5.3 I order that **ALL** such permanent structures found to offend the Water Resources Act **BE DEMOLISHED AND REMOVED** from Lot No. Kafue/2246704 at the 1st Defendant's cost.
- 5.4 I hereby **DISMISS** the Plaintiffs' case or action in its entirety.
- 5.5 I hereby dismiss the 1st Defendant's Counter Claim in its entirety.
- 5.6 Each Party to bear its own costs for and incidental to this action.
- 5.7 Leave to appeal is hereby granted.

DELIVERED AT LUSAKA ON THE 30TH DAY OF JANUARY, 2026



**HON. LADY JUSTICE S. CHOCHO
HIGH COURT JUDGE**

