

MC/17/22/FM

20th September, 2022.

The Commissioner Land Registration,
Ministry of Lands, Housing and Urban Development,
Plot 1 Parliamentary Avenue,
P.O. Box 7061,
KAMPALA.



Dear Sir,

RE.: PETITION TO CANCEL LAND TITLES COMPRISED IN LEASEHOLD REGISTER VOLUME

- i. WAK5087 FOLIO 4, BLOCK 273 PLOT 23040,
 - ii. WAK5768 FOLIO 7, BLOCK 273 PLOT 23041
 - iii. WAK 4575 FOLIO 17 BLOCK 273 PLOT 23042
- ALL ARISING FROM PLOT 4839 AND SITUATE AT KIGO**



We act for **M/s Kiham Enterprises Ltd** on whose instructions we address you herein under.

As you are aware, your office commissioned a public survey of Block 273 on the 14th day of June 2022 and a survey report was issued on the 30th August 2022. (A copy of the said survey report is enclosed herein as annexure "P1")

A key finding of the above report is that our client is the *defacto* registered proprietor of several parcels of land created on public land found on the said Block 273.

The other key finding is that the above leasehold land titles which encroach on our client's land, and were created out of mailo land titles comprised in Block 273 Plots 38, 87, 99 and 110, all sit on the same public land.



Our complaint is that the parent mailo land titles in this case are part of private mailo land which cannot legally exist or sit on public land. (See *St. Mark Educational Centre v. Makerere University Civil Appeal No. 40 of 1997*)

Consequently, the questioned lease titles issued on the said mailo titles which are in the names of **Pearl Development Group Ltd**, were by infection, issued illegally. (Copies of the search statements touching the impugned land titles are attached hereto as group annexure "P₂")

It is trite that the public survey report which your office issued constitutes a public document/record under **S.73** of the **Evidence Act Cap 6** which provides inter alia that,

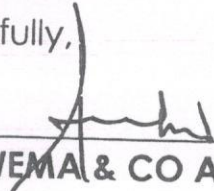
- "The following documents are public documents;**
- a) documents forming the acts or records of the acts;**
 - i. of the sovereign authority,**
 - ii. of official bodies and tribunals."**

It is also trite that your office issued the above public survey report as an official body/tribunal and it is mandated and obliged to uphold and give effect to the public survey report to enable a proper and consistent discharge of its statutory duties.

In that regard therefore, we raise this petition for the cancellation of the above impugned land titles as they are illegally retained on the land register, this in accordance with **S. 91** of the **Land Act Cap 227** as Amended.

We shall oblige your timely action in the matter.

Yours faithfully,


For: **MUWEMA & CO ADVOCATES**

c.c.: Pearl Development Group Ltd,
P.O Box 37761,
Kampala.

c.c.: Buganda Land Board.

c.c.: Client.