

**IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY**

**CIVIL CASE NO. 922 OF 2006**

**BETWEEN**

**ABDULLA NAZIR MAHOMED & ANOTHER ..... APPLICANT**

**AND**

**VILLAGE HEADMAN CHISEMPHERE  
AND PERSONS UNKNOWN ..... RESPONDENTS**

**CORAM : CHOMBO, J.**

: Theu, Counsel for the Applicants  
: Respondents, represented by Legal Aid – Absent  
: Kafotokoza, Court Interpreter

**RULING**

The applicants hold a lease at the pleasure of the Malawi Government for a period of 66 years on a portion of land called Jivasco Farm in Lilongwe District. The said farm was part of a village under the supervision of Village Headman Chisemphere Kaiton in Traditional Authority Njewa. The applicants had been required, as one of the conditions, to pay compensation to the said Headman; the same was paid and witnessed by T/A Njewa and the District Commissioner. A sum of K60,000.00 was paid as compensation as evidenced by the exhibit marked ANM 2. The said lease from Government is marked ANM 1.

The respondent and persons unknown to the applicants occupied the said piece of land as the applicants were preparing the land to plant Cassava. The

applicants therefore now pray for an order of the Court that the respondents do deliver the said portion of land to the applicants.

When the application first came before me I did order that the respondents be represented by Legal Aid. The applicants Lawyer notified Legal Aid about the said order but from the Court record, there has been no response. On the date of hearing both Counsel for the respondents and the respondents were absent and no reason for their absence was given. Suffice to say that notice of Adjournment setting date of hearing to 12<sup>th</sup> November was acknowledged, there is therefore no reason for the Court not to proceed.

Upon hearing evidence of Counsel, and upon perusing all the documents filed in support of the application, I order that the respondent, and the persons unknown to the applicants, vacate the said land to allow the applicants enjoy vacant possession of the land.

I order that costs be in the cause.

MADE in Court this 18<sup>th</sup> day of December, 2007.

E.J. Chombo  
**J U D G E**