

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA
HOLDEN AT MBALE**

HCT-04-CV-MA-0171-2011

**(Arising from Mbale Chief Magistrate's Supervisory Decision Directing
Kasyeru LC.I to carry out Execution)**

(All Arising from Kasyeru LC.I Court Decision of 2007)

WAMBEWO SIMON.....APPLICANT

VERSUS

MAZELELE SILVESTER.....RESPONDENT

BEFORE: THE HON. MR. JUSTICE STEPHEN MUSOTA

RULING

I have perused the record and related the same to the application for revision.

The original record shows that a case No. 1/07 between **Mazelele** and **Wambeyo Simon** was filed in Kasheru village court on 15.1.2007. It was a land dispute.

According to the applicant, the LC.I Court of Kasheru had no jurisdiction which prompted him to complain to the Chief Magistrate Mbale vide his complaint dated 6th January 2007. The Chief Magistrate then appears to have upheld the complaint and advised the respondent to file a fresh suit in Sironko Court. This was done vide Civil Suit 14 of 2010.

The incumbent Chief Magistrate revisited the matter and according to the affidavit in support of the application she called for the LC.I Court record on 20th September 2011. Upon perusal of the record she ordered the file to be sent back on the basis that there was no illegality or irregularity. In her letter of 7th October 2011, she wrote to the Chairperson LC.I Kasyeru village, Zesui sub-county thus;

“.....I have perused the file and found no illegality/irregularity on record. The file is sent back to you for further management.”

It is upon this order that this application was filed. Leave was granted to M/s Gyabi & Co. Advocates to defend the application through written submission but to my disappointment they did not comply. I condemn this complacency. Be that as it may, I am in agreement with the conclusion by the learned Chief Magistrate.

Under S.11 of the Local Council Courts Act echoed under Regulation 32 of the Council Courts Regulations 2007 No. 51 LC one Courts have jurisdiction to handle land disputes under customary tenure if those immoveable properties are in their jurisdiction. The Local Council Courts Act came into force on 8th June 2006. Therefore by the time the suit under consideration was filed the LC.I Court had the requisite jurisdiction.

For the above reasons I am unable to grant this application. There was nothing illegal or irregular in the decision/directive by the learned Chief Magistrate. This application is dismissed with costs.

Stephen Musota

JUDGE

16.08.2012