

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
LAND DIVISION
MISC. CAUSE NO. 98 OF 2022
KAYONGO MOSE & 3 OTHERS:::::::::::::::::::::::::::::::::APPLICANTS
VERSUS
COMMISSIONER LAND REGISTRATION & ANOR:::RESPONDENTS
BEFORE: HON. MR. JUSTICE TADEO ASIIMWE

RULING

This application was brought under the Constitution of the Republic of Uganda, 1995, Judicature Act Cap 13 (as amended by Act No.3 of 2002, Rule 6 of the Judicature (Judicial Review) Rule S.I No. 11 of 2009, Rule 7A of the Judicature (Judicial Review) (Amendment), Rules, 2019, the Civil Procedure Rules, S.I No. 71-1 and all enabling laws).

The applicant is seeking for a number of orders including removal of a Caveat from the Title in the names of the Applicants. The application was opposed by the 1st respondent relying on the affidavit of Bigira Johnson dated 26/10/2022 and prayed for dismissal of the Cause.

At the hearing, the Applicants were represented by Mr. Tumwesigire Evaristo while the Respondents by Sarah Banenya, Babu Hakim and Janeviv Mujuzi. The



applicant abandoned the rest of the grounds only argued one ground which relates to removal of a Caveat.

In rejoinder, the Applicants insisted that the law under which the Caveat was lodged does not fit in the circumstances of this case.

The 2nd respondent's Counsel supported the lodgment of the Caveat by the 1st Respondent. Both counsel made oral submissions.

I have considered the submissions of both Counsel and law cited. It's not in dispute that the 1st respondent has a statutory duty to prevent and correct any errors on land Titles for good reasons.

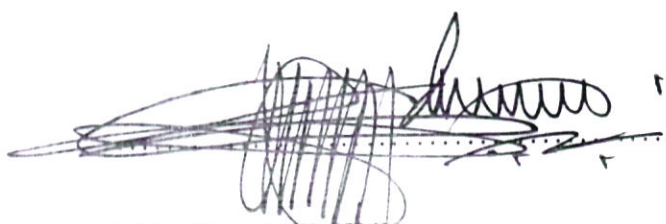
In this cause, it is clear that the 1st respondent was ordered to perform certain duties in relation to effecting some corrections on Title vide the orders arising from Miscellaneous Application No. 2310 of 2021.

Before the said action could be taken by the 1st respondent, the Applicants caused themselves to be registered on Title. In my view the said action was actually in contempt of a Court order. In order to prevent further dealing in law before implementing the Court Order, the Caveat becomes necessary in my view.

I do not find justifiable reason to fault the 1st respondent for lodging the said caveat. It was not lodged in bad faith as was argued by the Applicants' Counsel. The 1st respondent must be allowed to perform its statutory duties in keeping the register clean.

This application lacks merit and the same is hereby dismissed with costs against the applicants.

A handwritten signature in black ink, appearing to be a stylized name, located below the text of the judgment.

A handwritten signature in dark ink, appearing to be 'Tadeo Asimwe', is written over a horizontal dotted line. The signature is somewhat stylized and overlaps the line.

TADEO ASIMWE

JUDGE

27/10/2022

