

The applicants seek leave to apply for a writ of mandamus and prohibition against the Respondents.

The subject matter of the application is the eviction of the applicants, who represent others numbering about 20,000, from land in Kiboga at Kikolooto, Luwungu, Kambuzi.

It is the case of applicants that they have occupied and settled on this land since 1974.

The Respondents, on their part, contend that the land is a forest reserve, unlawfully occupied by the applicants and their group, and ought to vacate the same, so as to preserve and develop the forest.

This court has already resolved on this dispute in **H.C.C.S No. 902 of 1990: Bulaimu Matovu, Kalisiti Simbizi, A. Kayinda Vs. The Attorney General and Robert Namunyumya**. The Court found that there are clear boundaries for the forest reserve; and that the plaintiffs in the suit had unlawfully settled in the Reserve; and were thus not entitled to a declaration that they were unlawfully evicted from their bibanja or that they were entitled to compensation.

This Court, at this stage, is unable to conclude whether or not the case of the applicants is like that of the Plaintiffs in H.C.C.S No. 902 of 1990. It remains a determinable issue whether the applicants are or are not within the boundaries of the Forest Reserve; and thus whether they are lawful occupants of the land or not.

Leave to apply for Judicial Review reliefs is grantable where Court is satisfied that the applicant has put up facts that disclose a serious complaint and deserves investigation by Court by way of Judicial Review: See ***Court of Appeal Civil Appeal Number 35 of 2002: Kikonda Butema Farm Limited Vs. Inspector General of Government***, unreported.

Leave is thus granted to the applicants to apply for a writ of mandamus and prohibition. Let the application be filed within a period of 14 days from to date.

Given the fact that what is likely to be investigated is whether or not the applicants fall in the category of the Plaintiffs in H.C.C.S No. 902 of 1990, Court declines to make any interim orders, at this stage, so as not to prejudice the interests of any party to that suit.

The costs of this application are to go to the successful party in the substantive application.

Remmy K. Kasule

Ag. Judge

25th January 2007