

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)**

2015/HPA/61

BETWEEN:



IN THE MATTER OF: Statutory Instrument Number 6 Of 1984

AND

IN THE MATTER OF: Section 150 (4) And 153 of The Mines and Minerals Act No. 7 Of 2008

AND

IN THE MATTER OF: Large Scale Prospecting Licence Number 16199-HQ-LPL

AND

IN THE MATTER OF: An Appeal Against the Decision of the Honourable Minister of Mines and Minerals Development

AVARMMA MINING COMPANY LIMITED

APPELLANT

AND

**ATTORNEY GENERAL
ZCCM-INVESTMENTS HOLDINGS PLC
KATENGE RESOURCES LIMITED**

**1ST RESPONDENT
2ND RESPONDENT
3RD RESPONDENT**

*Before Hon. Mr. Justice Mathew L. Zulu, the 12th day of June, 2017
For the Appellant: T. S. Ngulube of Nanguzyambo & Ass.
For the Respondent: Mr. L. Kaluka, SC with Ms. Kampamba*

RULING

This is a Ruling in respect of an application by the Applicant for leave to commence Contempt Proceedings against the Hon. Minister of Mines, Hon. Christopher Yaluma, Mr. Kennedy Chibonga, Director of Cadestre Unit and Mr. Moya Lumamba, Director of Mines, for willfully defying a Judgment and Writ of Possession that was granted by this Court.

It must be noted that on the 15th March, 2017, I delivered a Judgment herein in favour of the Applicant, Avarmma Mining Limited, in which I Ordered that the Mine in dispute be restored to the said Avarmma Mining Limited. However, it appears the said Order has not been complied with and the Mine has since not been returned to Avarmma Mining Limited as ordered.

I have considered the affidavits herein and submissions hereof by both parties. I am satisfied that the Applicant has established a Prima Facie case to issue leave for contempt proceedings to enable me conduct further investigations into the matter of alleged disobedience.

Accordingly, the application for leave is granted.

Dated the 12th day of June 2017



M. L. ZULU
HIGH COURT JUDGE