

## **KAWANA MWANGELA AND RONALD BWALE NSOKOSHI AND NDOLA CITY COUNCIL**

SUPREME COURT  
LEWANIKA, J.S.

8<sup>TH</sup> MARCH, 2000 AND 7<sup>TH</sup> SEPTEMBER, 2000  
(S.C.Z . 29 OF 2000)  
Appeal No. 184/1999

### **Flynote**

Lands Tribunal - Lawfulness of Assignment of house - Appellant non - sitting tenant - Government circular - question of fraud.  
Lands Tribunal - Jurisdiction to decide on matter.

### **Headnote**

The second respondent assigned House No. 9, Mwenda Road, Itawa, Ndola to the first respondent. The Appellant claimed that he was entitled to it as an occupier by virtue of the Ministry of Local Government and Housing circular dated 2<sup>nd</sup> May, 1996 on revised procedures for the sale of council houses. The matter was taken to the Lands Tribunal found that there was no unpropriety or fraud in the transaction. The appellant filed two grounds of appeal.

### **Held:**

- (i) The tenancy of the house was never transferred to the appellant who was not a sitting tenant. There was also no evidence of fraud.
- (ii) The Lands Tribunal had no jurisdiction to entertain these proceedings under the Lands and Deeds Registry Act, Cap. 185 of the Laws of Zambia as it was limited to 'land disputes'.

### **Statutes referred to:**

- (i) Lands and Deeds Registry Act, Cap.185.

For the Appellant

In Person.

For the 1<sup>st</sup> Respondent

G.L.Chilandu, Chilandu & Co.

For the 2<sup>nd</sup> Appellant

No Appearance.

### **Judgment**