

The land dispute was between Patrick Mugoda and Benon Kyeyune Mukasa.

BY JULIET KIGONGO

The High Court in Kampala has ordered a man who occupied a property as caretaker for two decades to vacate immediately, ruling that he became a trespasser after failing to hand over vacant possession when required.

In a judgment delivered by Justice Patience Rubagumya, the court dismissed Patrick Mugoda's claim for compensation and instead awarded the landowner, Benon Kyeyune Mukasa, Shs70m in damages for unlawful occupation.

The dispute arose from land comprising Kyadondo Block 246 Plot 456, approximately one acre, at Kyeitabya, Ssaabagabo Sub-county.

The court heard that on February 12, 2006, Mukasa, who was living abroad then, appointed Mugoda as a caretaker to look after his house and surrounding land, safeguard boundaries, and grant access to contractors.

He later sued Mukasa and another defendant, Fred Guweddeko, who claimed they had incurred extensive costs while

Caretaker who refused to vacate land fined Shs70m

managing the property. These included compensating alleged kibanja occupants, hiring lawyers, surveyors, and guards, clearing bushes, and losses arising from the destruction of crops.

He sought more than Shs180m in reimbursement and additional relief before handing over vacant possession.

Mukasa denied authorising any of the expenditures and counterclaimed that Mugoda had refused to vacate the land despite repeated requests, thereby trespassing on the property.

In her judgment, Justice Rubagumya found that while Mugoda lawfully entered the land as a caretaker, his authority was limited by the written letter of appointment. The letter expressly barred him from engaging in transactions on behalf of the landowner.

However, Mugoda argued that there was an oral agreement allowing him to spend his own funds and be reimbursed later.

Justice Rubagumya observed that although oral contracts can be enforceable, they must be proved on a balance

COURT CASE

The land dispute arose from land comprising Kyadondo Block 246, Plot 456, approximately one acre, at Kyeitabya, Ssaabagabo Sub-county. In case *Mugoda Patrick vs Benon Kyeyune Mukasa and Another* (Civil Suit No. 1462 of 2023) [2026], Benon Kyeyune Mukasa won and was awarded Shs70m in general damages.

of probabilities.

"Other than the plaintiff's averments, no evidence was adduced to prove that the 1st defendant was made aware of the said expenses or acknowledged them," the judge ruled.

The court also scrutinised the evidence presented in support of the claimed expenditures. Claims for legal fees, surveying costs, guarding services,

crop destruction, and resettlement expenses were all rejected for lack of credible proof or authorisation.

On the alleged destruction of crops, the judge noted that the plaintiff could not identify who destroyed them and that the valuation report was prepared years later, after the land had already changed hands.

It also found inconsistencies in the testimony regarding alleged kibanja occupants, noting that one witness said he entered the land years after the supposed compensation agreements were signed.

Official correspondence from local council authorities further indicated that the documents relied upon did not relate to lawful kibanja interests.

Looking at the counterclaim, Justice Rubagumya found that Mukasa was the registered proprietor of the land and had requested Mugoda to vacate as early as 2020. Mugoda's continued occupation thereafter, an act the court held, amounted to trespass.

"Any continuous occupation of the

same against the consent of the owner without a justified reason amounts to trespass," the judge stated.

The court thus declared Mugoda a trespasser and ordered him to immediately vacate the land.

On remedies, Mukasa sought general damages, mesne profits, and costs amounting to Shs400 million. While the court declined to award mesne profits for lack of evidence showing income derived from the land, it awarded Shs70m in general damages. That was because Mugoda's refusal to vacate had deprived Mukasa of the right to use his property for more than six years.

Costs of both the main suit and the counterclaim were awarded to the defendants.

The judgment brings to an end a protracted dispute spanning nearly two decades, reaffirming that caretakers and licensees must strictly operate within the limits of their authority and vacate property once permission is withdrawn.