

Court okays sh850m Buziga case against Prince Wasajja

By Andante Okanya

Court has given three UK-based Ugandan sisters the greenlight to pursue a case against Buganda royal, prince David Wasajja, who they accuse of influence peddling to obtain lease for a two-acre piece of land with a sh850m property in the city suburb of Buziga.

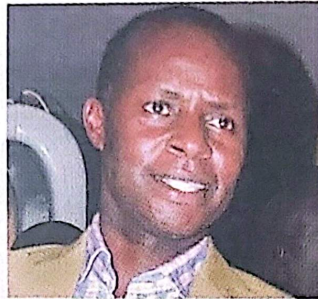
Sarah Nabuwule, Janeth Nakawunde, and Farida Zabali allege that the young sibling of reigning Buganda monarch, Kabaka Ronald Muwenda Mutebi II, used his position at the Buganda Land Board (BLB) to his advantage.

On July 7, Justice Andrew Bashaija of the Lands Division of the High Court in Kampala dismissed Wasajja's bid to have the case dismissed at the initial stage.

Prior on May 30, Wasajja's lawyer, Medard Sseggoni, raised a preliminary objection, saying the case is barred in law by limitation.

Sseggoni cited Section 187 of Uganda's Registration of Titles Act, which gives a six-year enclose within which grievance should be filed in court from the date of the purported infringement. But the trio's lawyer, Simon Kiiza, submitted that Wasajja's bid was misplaced. Kiiza stated that the subject matter is to recover land and development thereon, not damages.

In his ruling, Justice Bashaija agreed with Kiiza, noting that the trio's claim was valid and within the 12-year mandatory period to make such a claim. Accordingly, Bashaija dismissed Wasajja's objection with



Prince Wasajja

costs and fixed the hearing date for October 24. The judge asked the parties to explore mediation and file a report on the outcome.

Battle genesis

The sisters claim they were duped for six years into believing their lease application was lost, yet a lease title was secretly being processed for Wasajja.

They claim Wasajja was granted a lease for 49 years from November 1, 2004 on the same terms as had previously been given to them.

In attendance was the trio's lawyer, Simon Kiiza, their father, Dr Muhammad Buwule and Wasajja's other lawyer Chrysostom Katumba. Wasajja was absent.

Court documents state Buwule has powers of attorney from his daughters. The Kabaka and BLB are listed as Wasajja's co-defendants.

Documents filed in the court registry on October 5, 2007 show the property is a lease registered in

THE DEMAND

The sisters are seeking pronouncement that they are entitled to the lease and that Wasajja obtained the lease fraudulently. They want BLB to be compelled to grant them the lease and be blocked from interfering with their enjoyment of the property.

the land office as LRV 254 Folio 6 Plot 22, Buziga. It is indicated that it arises from Mailo Register Volume 269 Folio 25, now converted to LRV 3337 Folio 3 Kyadondo, Block 273, Plots 10-12.

Controversy and query

The trio state that on April 18, 1950, the then Kabaka government entered a lease agreement with their predecessors, who became beneficial owners of the land.

They assert that they subsequently acquired the property with knowledge and consent of the lessor. As the lease was due to expire on March 16, 1998, they applied to BLB for renewal.

The siblings say BLB officials promised that the lease would be extended in a letter dated September 20, 2001.

The trio says they were stunned when one of the Kabaka's agents, Levi Zzimbe, told them that their file had been misplaced. Zzimbe advised them to file a new

application, which they did on October 20, 2004.

The sisters purport Wasajja paid a pitiful sum of sh100 as annual rent by 2004, while the sum payable in 1949 was sh400.

The trio argue that their lease had a clause stipulating that the kingdom could only decline to renew the lease after compensating the lessee for a fair value of property on the land.

What they want

The sisters are seeking pronouncement that they are entitled to the lease and that Wasajja obtained the lease fraudulently. They want BLB to be compelled to grant them the lease and be blocked from interfering with their enjoyment of the property.

The trio say that, alternatively, they are entitled to sh850m, the value of the property in the upscale city suburb.

They also want accumulated profits at a sh2m rate from September 2005, when they were evicted until full compensation.

Additionally, they want sh36m for damaged property, saying the court eviction order was obtained through falsified documents.

Wasajja defence

However, Wasajja refutes the sisters' claims, saying he fulfilled the requirements to obtain the lease. Wasajja asserts the sisters did not obtain the requisite consent to trigger processing of the lease application.

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