Times of Zambia

400 seek to block eviction by Lusaka farmer

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By PERPETUAL SICHIKWENKWE  –  
ABOUT 400 Lusaka residents have applied for an injunction in the Lusaka High Court to restrain a farmer and two others from evicting them from a farm in Lusaka West.

Timothy Mutinta and 400 others want the court to restrain John Kelly, Kwanthu Farms Limited and the Attorney General from evicting them, or interfering with their stay on the land until the matter has been determined by the court.  
Mr Mutinta and others are seeking a declaration that they have an interest in the property, known as farm 1957 Lusaka West, by reason of having lived on the land for a period of 47 years.

**White farmer sued for evicting people from traditional land**

Daily Nation Newspaper

16 Sep 2019

By CHINTU MALAMBO

OVER 400 people in Lusaka West have dragged a white farmer and two others to the Lusaka High Court for allegedly evicting them and interfering with the land they have occupied for 47 years.

Mr Timothy Mutinta, and 400 others, want the court to restrain John Kelly, Kwanthu Farms Limited and the Attorney General, from evicting them or interfering with their stay on the land until the matter has been determined by the court.

They are also seeking an order for the costs of the proceedings.

Mr Mutinta, and the others, are seeking a declaration that they have an interest in the property, known as farm no 1957, Lusaka West, by reason of having lived on the land for a period of 47 years.

They are also seeking a declaration that the certificate of title no. L3085, relating to property known as farm 1957, be cancelled as the issuance of the said certificate was done without their consideration when they have been living on the land for more than 40 years.

According to an affidavit in support of exparte summons for an order of interim injunction filed in court, Mr Mutinta said they lived peacefully on the named property for over 40 years until September 4 2019 when unknown people, directed by senior police officers, entered their houses at about 02:00 hours in the morning and started throwing out their personal possessions.

Mr Mutinta said unidentified people, in the company of police, also commandeered a grader to demolish their houses and destroyed their household goods.

According to Mr Mutinta, on the land exist a church, a government school, two government boreholes and a grave yard where they buried their ancestors.

Mr Mutinta and group said they found the defendants' conduct to be unjustified.

“We are therefore, in a state of shock over the defendant’s conduct and if an injunction is not granted, we will continue to suffer loss that cannot be atoned for in damages,” they stated.

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