

HEATHER GUILD
versus
FUNGAI CHERUKA
and
THE MINISTER OF LANDS AND RURAL RESETTLEMENT

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE, 15 November 2013 and 17 December 2013

Urgent Chamber Application

Advocate F Mahere, for the applicant
Ms PR Zvinavashe, for the 1st respondent.
Ms C Garise - Nheta, for the 2nd respondent.

BHUNU J: This is an application for a declarator to the effect that the applicant and her employees, agents and invitees are entitled to remain in quiet, peaceful and undisturbed occupation and use of a certain piece of land known as Lot 5 of Lot 1 of Mazone in the Mutare District of Manicaland Province measuring 494 hectares in extent and the eviction of the first respondent and all those claiming occupation through him from the said property

The applicant claims that she has personal right and interest to occupy and use the disputed land. She claims occupation and use of the property by virtue of an offer letter issued in her name by the acquiring authority dated 8 November 2010.

On the other hand the first respondent lays claim to the same piece of land by virtue of an earlier offer letter issued by the same acquiring authority. It is common cause that the acquiring authority purportedly withdrew the first respondent's offer letter before issuing the applicant with an offer letter for the same piece of land.

The applicant asserts that the first respondent has no lawful right to occupy and use the land because his offer letter has since been withdrawn. The first respondent has countered that he is challenging the withdrawal of his offer letter through the courts.

Although the parties have a long standing dispute over the said piece of land, the applicant has alleged that there have been fresh acts of spoliation warranting the intervention of this Court. The parties have a long standing feud over the disputed land. Because of the need to maintain peace and to promote production on agricultural land for the common good of the nation, it is necessary to resolve such disputes on an urgent basis.

I therefore come to the conclusion that the matter is urgent and it is set down for determination on the merits on 19 December 2013 at 9 am.

Honey and Blanckenberg, the applicant's legal practitioners
Nyamwanza & Associates, 1st respondent's legal practitioners
The Attorney General's Office, the 2nd respondent's legal practitioners