

REF: 2074/2023/1/BM

08 November 2024



The Ag. Executive Director,
Kampala Capital City Authority,
P.O Box 7010
Kampala.

Dear Sir,

**RE: CONTEMPT OF COURT AND BREACH OF THE TERMS OF
THE CONSENT JUDGEMENT VIDE CIVIL SUIT NO. 190 OF 2023;
MAJESTIC COMMODITIES LTD -V- KAMPALA CAPITAL CITY
COUNCIL AUTHORITY & ANOR**

We make reference to the above captioned matter wherein we act for and on behalf of Majestic Commodities Limited (“our Client”), the registered proprietor of land comprised in Plots 1-5 Mpanga Drive; Plots 67, 71 and 73-81 Mpanga Close Bugolobi, Nakawa Division, Kampala (hereinafter referred to as “the subject land”), on whose instructions we address you as follows:

Our Client acquired the subject land in 2010 with the intention of developing the same with a housing project. All necessary environmental and construction approvals, including certificates from the National Environmental Management Authority (NEMA) and Kampala Capital City Authority (KCCA), were first obtained in 2011. However, due to a dispute over ownership of the land, the project commencement was delayed until 2019.

In 2019, your office sought to cancel our Client’s land titles for the subject land, citing that the land is a wetland. NEMA clarified that our Client’s titles were not in a wetland.

Upon solving the hurdles to its project, our Client continued to secure building permits and received additional project approval from NEMA and your office, including a building permit in March 2022.

On 2nd January 2023, your office requested our Client to revise the building and drainage plans, despite having obtained prior approval of its plans by the Authority (KCCA). Our Client objected and

Consider it Solved.

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expressed that the revisions were impractical due to their financial implications and the need for re-approvals, which would delay further delay its project considerably.

Various meetings were held between our Client, the physical planning committee and your office to settle this impasse. However, these meetings yielded no fruit and your office stopped our Client from any further development without specifying/ pointing out the changes it needed to make to its building and drainage plans.

Seeing no end in sight, our Client filed **Civil Suit No. 170 of 2023** against KCCA and the then Deputy Executive Director, Eng. David Luyimbazi before the High Court of Uganda at Kampala seeking orders that KCCA be compelled to approve the building plans as had been modified by our Client and to also allow it to commence the construction without any intrusion and unnecessary interference.

KCCA, its then Deputy Executive Director and our Client entered into a consent judgement which was duly endorsed by the High Court on the 12th of February 2024. One of the terms of the consent judgment was that our Client be permitted to resume its housing project on designated plots in Bugolobi, Kampala, provided it complies with NEMA's Environmental and Social Impact Assessment (ESIA) requirements. The Consent Judgement further provided that our Client adheres to the revised stormwater management plan, detailed work methodology, and approved drawings which our Client had already submitted to KCCA for review and approval. This consent Judgement fully and permanently settled this dispute.

In line with the approved plans and the consent judgment, our Client then commenced the development of its housing project. However, to our Client's shock and derangement, your officers from the Nakawa Physical Planning Office have once again stopped the development of our Client's project on grounds that it is in breach of the environmental and drainage conditions, an allegation that is baseless and without any independent verification.

The stoppage from your office is not only in contempt of the court order however it is also being made without taking into consideration the following:

1. No building operations have taken place on the land. All that is taking place is the dredging and opening up of the channels. This is aimed at improving the water flow. It should be noted that all this is being done with the knowledge of both your office and NEMA. In fact, NEMA has visited the site and not raised any objection to the same.
2. Contrary to the allegations, our client has not done any fillings on the land. The land in question has not been backfilled. The social media posts that caused you to believe that our client was backfilling were baseless. Our Client has continued to take actions in accordance with the guidelines from both your office and NEMA. Therefore our client has not violated any of the measures by NEMA.

Our Client has at all material times complied with the terms of the consent judgement, the building plans and all planning approvals. Our client is not in any violation of any of the aforementioned terms. Stopping our Client from undertaking its project without any proper justification is not only illegal but is tantamount to contempt of court orders in the consent decree in Civil Suit No. 170 of 2023.

This letter serves to bring to your attention the illegal contemptuous actions of your office and your junior officers and to notify you that our Client shall continue with its building project in accordance with the consent judgement and the approved building plans.

Should our Clients face any further interference with their construction project from your officers, our instructions are to take out contempt of court proceedings against KCCA and all officers involved.

Our client is happy to have a meeting with your team on the ground at a time convenient to you.

Yours faithfully,



Kampala Associated Advocates

Copy to:

1. Director Legal Affairs, KCCA



2. Director Physical Planning, KCCA
3. Director Public Health and Environment, KCCA
4. Physical Planning Officer, KCCA, Nakawa Division
5. Our Client