

STATEMENT ON THE THREATS BY AN INVESTOR TO EVICT GULU SENIOR SECONDARY SCHOOL CLAIMING OWNERSHIP OF THREE QUARTERS OF THE SCHOOL LAND; RAISED BY HON. LYANDRO KOMAKECH, MP GULU MUNICIPALITY

Rt. Hon. Speaker, the Registered Board of Trustees, BAPS Swaminarayan Santha is the registered and legal owner of land comprised in LRV 661 Folio 12 Plot M.54 and LRV 662 Folio 12 Plot M.60 which is occupied by Gulu Senior Secondary School. They have been registered owners since November 1963 and September 1966 respectively.

Upon grant of the rights and powers to re-enter the subject land, the registered owners [BAPS] were denied access and repossession of the property on grounds that the land was being utilized for public and common good in the form of a secondary school that was educating the children of the Republic of Uganda.

Rt. Hon. Speaker, on the above argument, the Board of Trustees of Gulu Secondary School approached the Ministry for advice and a proposal was made that Gulu Secondary School continues to occupy the property as tenants. The proposal was not effected and the school continued to occupy the subject land

The Registered Trustees, BAPS Swaminarayan Santha sought legal redress from Court in 2011 against Gulu S.S and the Attorney General. In May 2015, the Court file was transferred from the Commercial Division of the High Court to Gulu High Court for further management.

At the first hearing on 13th September 2018, the presiding Judge observed that since there was a repossession certificate issued to the Plaintiffs to repossess the land, it would be prudent for both parties to

meet and resolve the case amicably. The negotiations were to be completed by 7th November 2018.

With the advice of the Presiding Judge and the Registrar of Gulu High Court, parties to the case met on several occasions at the boardroom of the chambers of the Attorney General – Gulu and made the following events transpired:

- a) During the reconciliatory/mediation session/meeting on 5th October 2018, attended by the lawyers of the Plaintiffs, the representatives of the Attorney General, 9 members of the Board of Governors of Gulu S.S and the 4 trustees of BAPS, it was resolved that:
 - The plaintiffs [Trustees of BAPS] retain Plot M.54 which has their Temple.
 - The plaintiffs [Trustees of BAPS] DONATE TO GULU S.S plot M.60 on which there were some structures. This was however subject to payment of rent arrears from July 1992 to 31st December 2018.

- b) Basing on the above discussion, the Office of the Attorney General sought approval of the resolutions from the Ministry. In November 2018, the Ministry confirmed its support for the resolutions and the entity's commitment to clear the rent arrears accrued from June 2010 to December 2018.

The Chief Government Valuer valued arrears at UGX 611,280,000 (Uganda Shillings Six Hundred eleven Million, Two Hundred Eighty Thousand Shillings only) which the Ministry is yet to clear.

The funds to cater for the partial clearance of arrears for this case were budgeted for in the Financial Year 2019/20 and a commitment to clear had been made to Court. However, the funds were not released.

The Attorney General vide letter No.7/156/1 dated 8th January 2020 requested the Ministry for an update on its commitment to resolve the matter amicably by paying rent arrears and the vacant possession of Plot M54.

Rt. Hon. Speaker, in our response, we reiterated the Ministry's commitment to pay rent arrears in the first and second quarters of FY 2020/21. Since the school had vacated Plot M54 at the beginning of Term one this year, we encouraged the Attorney General to execute the Consent in Court. The Plaintiffs were also encouraged to re-possess their premises. The Ministry would subsequently make a formal handover of Plot M60 to the Registered Board of Trustees, BAPS Swaminarayan Santha.



Dr J C Musingo
MINISTER OF STATE FOR HIGHER EDUCATION