



IN THE MALAWI SUPREME COURT OF APPEAL
SITTING AT LILONGWE

MSCA CIVIL APPEAL NO. 61 OF 2019

(Being High Court, Lilongwe District Registry, Civil Cause No 1133 of 2019)

BETWEEN:

**A.T. BAISI APPELLANT
AND
LILONGWE CITY COUNCIL RESPONDENT**

ORDER

(Mzikamanda SC CJ, Kapanda SC JA, Potani SC JA, Katsala SC JA, Chatha Kamanga SC JA, Mkandawire SC JA, Kalembere SC JA, Mbvundula SC JA, nyaKaunda Kamanga SC JA)

The appeal is allowed.

The decision of the High Court granting the respondent (Lilongwe City Council) the order to seize and sell the appellant's property, Plot Number 50/7, is hereby set aside.

The respondent is ordered to:

1. Provide the appellant with a detailed and itemized statement of the alleged outstanding city rates covering the period from 2000 to 2016, in compliance with section 90(2) of the Local Government Act.
2. Furnish the appellant with written reasons for the assessed rates, including the calculations of any surcharges applied, as required under section 43 of the Constitution.

The respondent is prohibited from taking any further steps to seize and sell the appellant's property unless and until:

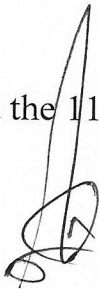
1. The appellant has been given a fair opportunity to review the detailed statement and challenge the rates through appropriate legal mechanisms.
2. The respondent has complied fully with its statutory and constitutional obligations, including transparency and procedural fairness.

This order must be complied with in full by the respondent within 90 days from the date of this Order, failing which the assessment shall be carried out by an independent auditor currently registered by and currently licenced as such with the Institute of Internal Auditors in Malawi, appointed by the President of the said Institute. The expenses of carrying out such assessment shall be borne by the respondent.

The respondent shall bear the costs incurred in the High Court and in this Court, to be paid to the appellant.

A fully reasoned judgment shall be made available to the parties, through counsel, once the Court's judgment is perfected.

Dated the 11th day of June 2025.



Assistant Registrar