

IN THE MALAWI SUPREME COURT OF APPEAL SITTING AT BLANTYRE

MSCA MISCELLANEOUS CIVIL APPLICATION NO. 10 OF 2025

[Being Judicial Review Number 11 Of 2025, High Court of Malawi, Lilongwe
Registry]

BETWEEN

THE STATE

[ON THE APPLICATION OF BUY AND LET CENTER]

APPLICANT

AND

THE OFFICER IN CHARGE,

KANENGO POLICE STATION

1ST RESPONDENT

THE INSPECTOR GENERAL OF POLICE

2ND RESPONDENT

CORAM: HON. JUSTICE L P CHIKOPA SC DEPUTY CHIEF JUSTICE

Chokhotho, T[Mr.]/Dunduwaya [Ms.] Of Counsel for The Applicant

Chisiza [Mr.] State Counsel for The Respondents

Minikwa[Mr.], Clerk

ORDER

Upon hearing the parties in this matter, we are of the firm view that leave should be and is hereby granted for the High Court of Malawi to judicially review the respondents' decision to restrict the applicant and its tenants from accessing and using Plot 28/214 in Area 28 Lilongwe.

Similarly, an order of injunction is hereby granted stopping the respondents from restraining the claimant, its tenants and their agents, with the specific exception of those interdicted in the injunction issued by the High Court of Malawi, Lilongwe Registry in **Civil Cause Number 13 of 2025, Eastridge Commodities and Logistics Ltd & Another v Teddy Genning Moya** from accessing Plot 28/214 in Area 28 Lilongwe.

This matter is consequently remitted back to the court below for the Judge in Charge, Lilongwe Registry to place the same before a Judge other than the one who presided over Judicial Review Cause Number 11 of 2025 or the Judge in Charge himself, therein to be dealt with in the manner by law provided.

Costs shall be in the cause.

A formal ruling, complete with reasons for the above, will follow within 45 days from the date hereof.

Dated at Blantyre this day 7th day of April, 2025



L P CHIKOPA SC

DEPUTY CHIEF JUSTICE