

IN THE LAND COURT OF LESOTHO

Held at Maseru

LC/APN/61/2014

In the matter between:

NKHETHELENG MOHALE

APPLICANT

And

‘MASENATE LETSIE

1ST RESPONDENT

‘MATLOTLISO LEBAJOA

2ND RESPONDENT

JEREMANE LEBAJOA

3RD RESPONDENT

THIBELLO NTESO

4TH RESPONDENT

MOTSAMAI NTSUKUNYANE

5TH RESPONDENT

TSEBO KAMOHELO CHIGANDO

6TH RESPONDENT

LAND ADMINISTRATION AUTHORITY

7TH RESPONDENT

DECISION ON OBJECTION

[1] On the 18th of September 2014, the 2nd, 3rd and 4th respondents raised an objection to these proceedings on two grounds:

(1) That the applicant has no *locus standi* to institute these proceedings.

(2) No cause of action is disclosed in the originating application.

[2] On the 18th of September 2014, I dismissed the objection and intimated that I would give full reasons. These are the reasons.

Locus Standi Objection

[3] Rule 66 (2) (d) provides that any party can make an objection on the ground that “the other party is not qualified for acting in the proceedings;”. The contention by Mr. Tlhoeli for the objecting respondents is that the applicant has no title to the land in view of the fact that he failed to comply with section 15 of **the Deeds Registry Act 1967**. Shortly stated, the applicant

failed to register whatever title he derived from an agreement with Sentje (the seller) within the prescribed period.

[4] Miss Nkhahle, for the applicant, contends that the title of her client emanates from a sole agreement entered into in 1997 when the applicant took possession of the site and started developing it. The applicant enjoyed uninterrupted possession until when he initiated the process of obtaining a lease in 2012. The obstacle was put by the 1st respondent who claimed to have a lease and also claimed he bought the disputed site from 2nd and 3rd respondents.

[5] There being rival claims to the disputed plot - one based on a 1997 sale agreement between Sentje and the applicant and the other based on a sale agreement between the 1st, 2nd and 3rd respondents, the validity of either claim is a matter that can only be resolved on the basis of evidence on the merits.

[6] The applicant's allegations of title based on a sale agreement constitute sufficient basis for her to institute these proceedings to protect that alleged title. She has a direct and substantial interest in these proceedings.

[7] This suffices for the purpose of rejecting the objections raised by the mentioned respondents.

Lack of Cause of Action

[8] The same reasons for dismissing the *locus standi* objection apply in relation to the objection on absence of a cause of action. The question of whether Sentje had the right or authority to sell the plot to the applicant is also an issue that has to be determined on the merits.

S.P. SAKOANE
ACTING JUDGE

For the Applicants: Mr. Tlhoeli

For the Respondents: Miss Nkhahle with Miss M. Tau-Thabane