



## MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

### PRESS RELEASE

#### ACQUISITION AND MANAGEMENT OF PUBLIC AND PRIVATE LAND

The Ministry of Lands, Housing and Urban Development has noted with great concern the practice of illegal occupation and use of allocated and leased land from this ministry, local government authorities and Malawi Housing Corporation. This practice is against the law governing land administration and management in the country.

The Ministry wishes to remind the general public that that under the current Land Act, Cap. 57: 01, the Ministry is legally mandated to administer both **Public Land** and **Customary Land**. However, the Ministry, through the respective plot allocation committees directly allocates public land located within the boundaries of the cities of Blantyre, Lilongwe, Zomba and Mzuzu. The Ministry also allocates land to local government authorities and Malawi Housing Corporation for further allocation to prospective developers.

The general public may further wish to know that **public land** in the **District centres** is allocated by the respective District Commissioners and **Customary land** is allocated by Traditional Authorities in consultation with their subjects and the offices of the District Commissioners. Therefore, all applications for public land in the district centres and customary land in rural areas should be submitted to the District Commissioners in whose areas the land being applied for is situated. Customary land consultation with chief forms as well as lease application forms can be obtained from the offices of the District Commissioners and Regional Commissioner for Lands. The application fees for public land in the district centres as well as customary land in the rural areas is K5,000.00.

The applications are then sent to the office of the concerned office of the Regional Commissioner for Lands who, after consulting the relevant offices, submit the application to the Minister Responsible for Land Matters for approval. Thereafter, the Regional Commissioner prepares the offer letter stipulating therein the fees and duties payable. After paying the fees

and duties to Lands Department and survey fees to the Surveys Department, the office of the Surveyor General carries out a cadastral survey and thereafter deed plans are produced. The Regional Commissioner for Lands then prepares lease documents which are stamped by the Registrar General and registered by either the Land Registrar or Deeds Registrar as the case may be. It is only after the registration of the lease document that the lessee is at liberty to commence development on the leased land.

However, the Ministry has noted with concern that some investors commence development on such land before first obtaining Ministerial approval. This practice is illegal and it must stop with immediate effect. The Ministry reserves the right to stop such developments without paying any compensation therefor. The Ministry will also not be compelled to regularize the occupation and the development of such land.

### **ENCROACHMENT ON PUBLIC AND PRIVATE LAND**

The Ministry has also noted with concern that public land allocated to public institutions is being encroached upon and used contrary to the designated land use. The Ministry wishes to advise all public institutions to ensure that they safeguard their allocated land from encroachment.

The Ministry would also like to inform all public institutions that whenever the allocated land is surplus to their intended requirements, or the use for which the land was allocated to an institution has extinguished, such land should be given back to this Ministry for reallocation to other deserving institutions and prospective investors. The institutions are advised not to allocate any surplus land on their own since it is only the Minister responsible for land matters who has the mandate to allocate public land in accordance with the current legal framework.

The Ministry is further informing the general public to take note that where one has gone ahead to develop the encroached land without the Ministry's knowledge and approval by the relevant planning authorities, such development will be demolished and appropriate action will be taken against such people.

The Ministry is therefore appealing to members of the general public that those that have been allocated plots by this Ministry should take care of their plots and start developing them within the stipulated period. It is not the responsibility of this Ministry to safeguard the land or plots against encroachers when plots have been allocated or leased to public institutions or prospective private developers. The Ministry will therefore not entertain any complaints from holders of title whose land or plots have been encroached upon. The legitimate title holders will have to go to court themselves to evict the encroachers.

## **CREATION OF A CUSTOMER SERVICE DESK ON LAND MATTERS**

In view of the complexity of land issues, the Ministry of Lands, Housing and Urban Development has, with immediate effect, established a Customer Service Office at its Headquarters, Zowe House in the City of Lilongwe. The Desk will be manned by Mr. G.P. Mvula, Principal Lands Officer and Ms. Apendezi Kachiwala, Lands Officer, who will be handling all complaints on land matters and document them for the Ministry's action within a reasonable period.

*The vision of the Ministry remains **Equitable Access and Secure Tenure to land and Housing For All.***

**Ivy J. Luhanga (Mrs.)**

**Secretary for Lands, Housing and Urban Development**

