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HCH4216/25



Form No. 2
Summons
Rule 12(6)

IN THE HIGH COURT OF ZIMBABWE
HELD AT HARARE

Case No.

In the matter between

NYIKAVANHU HOUSING COOPERATIVE

And

**SECRETARY FOR LOCAL GOVERNMENT
AND PUBLIC WORKS N.O**



PLAINTIFF

1ST DEFENDANT

CLEAN PLANET RESOURCES (PVT) LIMITED

2ND DEFENDANT

PPC ZIMBABWE LIMITED

3RD DEFENDANT

ATTORNEY GENERAL

4TH DEFENDANT

REGISTRAR OF DEEDS N.O

5TH DEFENDANT

SUMMONS

To the Defendants named above;
Plaintiff has instituted proceedings against you for a declaratory order claiming the lawful Landholder of Subdivision E of Arlington Estate measuring approximately 530,25 hectares and costs suit.

Plaintiff's particulars of claim are set out in the declaration, a copy of which is annexed to this summons.

If you wish to oppose the Plaintiff's claim, you must –:

(a) Enter an appearance to defend by making an appropriate entry in the appearance book kept in the office of the Registrar of the High Court of Zimbabwe at HARARE within TEN (10) days after service of this Summons (Saturdays, Sundays and public holidays are not counted as part of this ten-day period, nor is the day on which this summons was served); and

(b) Notify the Plaintiff or his/her legal practitioner, in writing, at the address given below, of your entry of appearance to defend. You must give the Plaintiff or the legal practitioner an address for service within five kilometers of the court specified below, together with a postal address.

If you do not enter appearance to defend, the Plaintiff's claims will be heard and dealt with by the High Court without further notice to you.

The Deputy Sheriff is hereby required to serve a copy of this summons on the Defendants named above and immediately after doing so, to return a further copy of the summons, with a return of service in Form No. 5A duly completed, to the Registrar who issued it.

DATED AT HARARE THIS.....^{21ST} DAY OF AUGUST 2025

Registrar, High Court of Zimbabwe

The Plaintiff's address for service is:



T.K. TAKAINDISA LAW CHAMBERS

Plaintiff's Legal Practitioners

Number 70 Hillside road, Hillside

HARARE (TK/rbm)

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PLAINTIFF'S DECLARATION

1. The Plaintiff is **Nyikavanhu Housing Co-operative**, registered in terms of the laws of Zimbabwe, whose address of service is care of T.K Takaindisa Law Chambers, 70 Hillside Road, Hillside, Harare.
2. The 1ST Defendant, is the Secretary for local Government cited in his official capacity as the author of the offer letter to 3RD Defendant and as the administrator of the Ministry of Local Government. His address of service is care of Attorney as well as the Applicant of the Deed of Transfer issued to 2nd Defendant's General office, New Government Complex, Corner S. Muzenda/S. Machel Avenue, Harare.

3. The 2nd Defendant is a company registered in terms of the Companies Act commonly known as Clean Planet Resources (Pvt) Ltd whose address for service is 2713 Lenana Park, Tynwald, Harare.
4. The 3RD Defendant is PPC Zimbabwe LTD a company duly registered in terms of Companies Act, whose address of service is care of Gill, Godlonton and Gerrans, 15 Natal Road corner East Road, Belgravia, Harare.
5. The 4TH Defendant is the Attorney General, cited in his official capacity whose address of service is, New Government Complex, Corner S. Muzenda/S. Machel Avenue, Harare.
6. The 5th Defendant is the **REGISTRAR OF DEEDS** cited in his official capacity, whose address of service is Century House East, Nelson Mandela Avenue, Harare.

BACKGROUND

7. Plaintiff was formed sometime in 2004 and was duly registered as required by the law on the 31 January 2005, they were formerly registered and allocated Registration number 4504 and an initial letter of registration as required by the law.
8. As per procedure, Plaintiffs then applied for land for construction of houses for its members. On the 15th of January 2006. It was offered "The remainder of Subdivision E of Arlington Estate measuring 530,25 hectares" by the state through the Ministry of Local Government, Public

works and National Housing. The offer letter is still extant and has not been set aside.

9. From that time, Plaintiff has been battling with 1st Defendant to have the layout plan signed, but with no success.
10. At one stage, 1st Defendant was issued a provisional order interdicting the parent Ministry of Local Government from evicting Plaintiff from the same land.
11. To avoid being in direct contempt of court, 1st Defendant is now parceling out various pieces of land from the land occupied by the Plaintiff without any lawful right.
12. Two of the beneficiaries of this illegal process is 2nd and 3rd Defendants. It is illegal because Plaintiff's offer letter for the same land was never withdrawn, as such there is no justification for their conduct.
13. Plaintiff wrote to 3rd Defendant to remove bill boards it installed in 2017 claiming ownership of the land but nothing has materialized as 1st defendants became law unto themselves.
14. Plaintiff also wrote to 1st Defendant complaining on the issue. On both occasions, the process elicited no response resulting in Plaintiff taking 3rd Defendant to court to enforce removal of the unsanctioned bill boards. To this effect, 3rd Defendant produced a purported offer letter issued by 3rd Defendant dated 9 February 2024 and the plaintiff was not privy to the same.

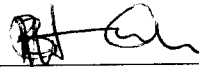
15. During the same court process, a Deed of Transfer is favor of 3rd Defendant was produced which was obtained fraudulently and the matter is now pending before the court.
16. 2nd Defendant kept on manufacturing documents during the court application, as a result it changed the complexion of the matter. Plaintiff abandoned the application and will apply for squashing of proceedings as they had become meaningless.
17. Prior to that 2nd Defendant had tried unsuccessfully to evict Plaintiff's members from their land by virtue of a Deed of Transfer initiated by 1st Defendant. It is clear that this was a calculated and well-coordinated plan to take over land which had been already allocated to the Plaintiff.
18. The last holder of title which was cancelled when the land was gazette for compulsory acquisition was Portland Holdings it is therefore surprising as to where the new title deed came from.
19. Plaintiff is not aware of any other process that was undertaken in order to reverse the acquisition as it was never notified, despite the fact Plaintiff was writing to 1st and 3rd Defendants advising them of its lawful presence at the land. As a result, no provision was made for the Plaintiff who is already in occupation.
20. Plaintiff has confirmation of being the legal holder from all relevant government departments, including the Government Chief Legal Adviser, the Attorney General's office. The Harare City Council master plan even confirms that the land is human settlement. 3rd Defendant is a cement manufacturing company and not a land developer.

21. An earlier Deed of transfer in favour of 2nd Defendant carved from Plaintiff's land was disregarded by this honorable court as being irregular and not suitable, as it had been carved from land belonging to the Plaintiff by virtue of the offer letter. That is in HCH1660/24.
22. It is against such a background that Plaintiff has no option except to approach this honorable court for relief, as all other means of resolving the matter have failed.

Wherefore, The Plaintiff claim is for:

- a) Plaintiff is the lawful landholder of the remainder of Arlington Estate, subdivision E measuring approximately 530,25 hectares.

DATED AT HARARE THIS 21ST DAY OF AUGUST 2025



T.K TAKAINDISA LAW CHAMBERS

Number 70 Hillside road, Hillside

HARARE

TO: THE REGISTRAR

High Court of Zimbabwe

HARARE

And to: THE ATTORNEY GENERAL'S OFFICE

1ST Defendant's Legal Fractitioners

New Government Complex,

Cnr S Muzenda/S Machel Avenue

HARARE

And to: **CLEAN PLANET RESOURCES (PVT) LTD**

2ND Defendant's Legal Practitioners

2713 Lenana Park, Tynwald

HARARE

And to: **GILL, GODLONTON AND GERRANS**

3RD Defendant's Legal Practitioners

15 Natal Road Cnr East Road, Belgravia

HARARE

And to: **THE ATTORNEY GENERAL'S OFFICE**

4th Defendant

New Government Complex,

Cnr S Muzenda/S Machel Avenue

HARARE

And to: **REGISTRAR OF DEEDS NO**

5TH Defendant

Century House East, Nelson Mandela Avenue

HARARE