

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM
LAND CASE NO. 87 OF 2006**

**AMISA KAMBI KUNGURU APPLICANT
VERSUS**

**THE MINISTER FOR LANDS AND HUMAN
SETTLEMENT & OTHERS }
.....DEFENDANTS**

R U L I N G

RUGAZIA, J.

The plaintiff filed a suit claiming compensation and a plot but the same met with a preliminary objection which said that the suit is time barred.

The defendant submitted that the cause of action arose around 1988 when the Minister of Lands and Human Settlement acquired, surveyed the land situated at Segerea and divided it into different

plots. Reference was made to Part 1, First Schedule, item 22 of section 3 to **The Law of Limitation Act, Cap 89 R.E. 2002** which stipulates that all suits for recovery of land should be instituted within 12 years.

The defendant asserted that it is the plaintiff which shows that the cause of action arose in 1988 when the Ministry for Lands acquired and surveyed the plots. That by filing the suit in 2006 the same is clearly time barred as the time limit ended in the year 2000.

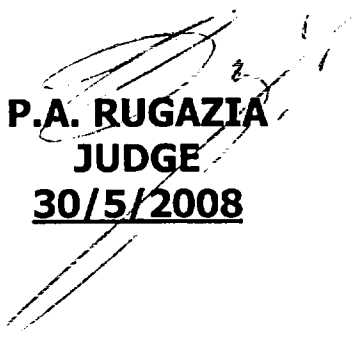
In rebuttal, the plaintiff submitted that even if the cause of action arose in 1988 demands for compensation or allocation of the plot started in 1995 and since then there had been constant communication over the issue. That it was when the defendants failed to allocate her the plot in dispute that she instituted this suit.

I regret to say that the claim that the plaintiff has been having communication and various correspondences with the relevant authorities over the matter is irrelevant for purposes of computing

the period of limitation. In the eyes of the law, what the plaintiff was doing was a waste of time so much that she cannot escape the sharp teeth of the shark called limitation. It would have been different had the plaintiff been trying to pursue her claims in courts of law. Such a situation would have been covered under section 21 (1) of the Law of Limitation Act. Unfortunately for her, that statute does not recognize the time spent pursuing claims through administrative channels like the plaintiff was doing.

Since it is uncontroverted that the cause of action arose in 1988, it is an inescapable fact that the suit is hopelessly time barred. That found, it follows that it cannot be allowed to see the light of day.

In the upshot, the suit has to be and it is indeed dismissed with costs.


P.A. RUGAZIA
JUDGE
30/5/2008