

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**LAND CASE NO. 35 OF 2017**

**CAUSAL PROPERTIES LIMITED.....PLAINTIFF**

**VERSUS**

**THE COMMISSIONER FOR LANDS.....1<sup>ST</sup> DEFENDANT**

**DIRECTOR FOR SURVEYS AND MAPPING.....2<sup>ND</sup> DEFENDANT**

**THE HON. ATTORNEY GENERAL.....3<sup>RD</sup> DEFENDANT**

**RULING**

*Date of Ruling 09/10/2019*

**NGWALA, J.**

This Land Case was stayed pending the determination of another Land Case No. 85 of 2016 filed in this court. It was ordered so on 17<sup>th</sup> October 2018, when Mr. Bethuel the learned counsel for the plaintiff and Mr. Alisante Hoseah the learned State Attorney representing the defendants, told the court that, the plaintiff in this suit and the 3<sup>rd</sup> defendant, as the necessary party, were involved in that other Land Case No 85/2016 that was before Hon. Mlyambina, J. The dispute in that mentioned case is also about ownership of the same suit land or premises in this matter.

In order to save the time and the possibility of having conflicting decision over a dispute involving the same suit land the subject of this land dispute in this matter, it was ordered that this suit be stayed.

When this matter came up for "*mention*" today, the 9<sup>th</sup> October 2019, Mr. Bethuel, produced in court a copy of the Judgment and Decree in Land Case No. 85 of 2016, between, Causal Properties Limited v. Jacqueline Jonathan Mkonyi and Abdallah Makatta t/a Sensitive Action Mart, by Hon. Mlyambina, J. dated 12<sup>th</sup> September 2019. In the said case the plaintiff herein has been declared the lawful over of the suit premises described as Plot No. 1 Block "F" Kunduchi Mtongani Dar es Salaam comprised under the certificate of title No. 120618, Plot No., Block F. Kunduchi Dar es Salaam, Plot No. 2 Block "F" composed under certificate of title No. 1206617, Plot No. 3 Block "F" Kunduchi, Mtongani Dar es Salaam comprised under certificate of title No. 120616".

It is for that reason, the plaintiff's claim for a declaration for cancellation of survey plan No. E. 355/1121 that is illegal and unenforceable and General damages for inconvenience caused to the thereof Tshs. 20,000,000/= and costs cannot be entertained by this court. I hold so because the subject matter of this suit has already been adjudicated. For this reason let this suit to be marked settled in the Judgment and Decree of this court in **Causal Properties Limited v. Jacqueline Jonathan Mkonyi and Abdallah Makatta t/a Sensitive Auction Mart Land Case no. 85 of 2016 High Court of Tanzania (DSM Registry Unreported)**. Each party shall bear its own costs.

**A. F. Ngwala**  
**JUDGE**  
**09/10/2019**