

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(KIGOMA DISTRICT REGISTRY)**

**AT KIGOMA  
(LAND DIVISION)**

**MISC. LAND APPLICATION NO. 20 OF 2019**

*(Arising from the decision of this Hon. Court, Before A. Matuma, J.*

*in Land Case No. 2 of 2019)*

**HAMISI S/O TANDA.....1<sup>ST</sup> APPLICANT**  
**JAFETI S/O KIPARA .....2<sup>ND</sup> APPLICANT**  
**ERASTO S/O BUHA .....3<sup>RD</sup> APPLICANT**  
**MAGRETH D/O RUBHINGAZIA .....4<sup>TH</sup> APPLICANT**  
**NEZIA D/O PIUS .....5<sup>TH</sup> APPLICANT**  
**SALUMU S/O NGEZI .....6<sup>TH</sup> APPLICANT**  
**MAGWILA S/O LUZIBILA .....7<sup>TH</sup> APPLICANT**  
**SAIMON S/O CHRISTOPHER .....8<sup>TH</sup> APPLICANT**  
**PIUS S/O LUZIBILA .....9<sup>TH</sup> APPLICANT**  
**SELEMAN S/O RASHID .....10<sup>TH</sup> APPLICANT**

**VERSUS**

**KASULU TOWN COUNCIL.....RESPONDENT**

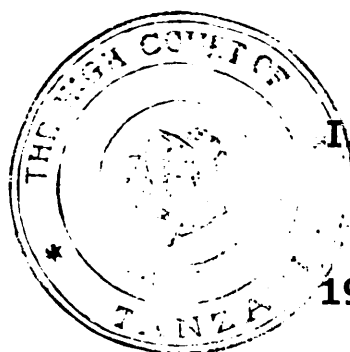
**R U L I N G**

*19/02/2020 & 19/02/2020*

**I.C. MUGETA, J.**

Applicant prays for leave to appeal to the court of appeal against the decision of this court in Land Case No. 2/2019. The application is made

under section 5 (1) (c) of the Appellate Jurisdiction Act and Rule 45 (a) of the Tanzania Court of Appeal Rules. It is my view that this application was wrongly admitted. The requirement to obtain leave to appeal to the Court of Appeal against decision of the High Court exercising Original Jurisdiction in land matters was under section 47 of the Land Dispute Courts Act [Cap. 216 R.E. 2002] not the laws cited in the application. This section was amended by section 9 of the Written Laws (Miscellaneous Amendments) (No.3) Act, 2018 by removing the leave requirement. The Judgment complained of was passed on 22/10/2019, therefore the appellants are entitled to appeal to the Court of Appeal as of right. The application is, therefore struck out for incompetence without orders as to costs.

 *I.C. Mugeta*  
**I.C. Mugeta**  
**Judge**  
**19/2/2020**

**Court:** Ruling delivered before the 1<sup>st</sup> applicant and Baraka Godson, Town Solicitor, for the respondent.

**Sgd: I.C. Mugeta**

**Judge**

**19/2/2020**