

**IN THE HIGH COURT OF TANZANIA**

**IN THE DISTRICT REGISTRY**

**AT MWANZA**

**MISCELLANEOUS LAND APPLICATION NO. 29 OF 2021**

(Arising from Land Case No. 29 of 2021)

**MSAFIRI MAKINDI MTIGANDI ..... APPLICANT**

**VERSUS**

**MWANZA CITY COUNCIL ..... 1<sup>ST</sup> RESPONDENT**

**THE ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**AYUBU ASHIBERI ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

20<sup>th</sup> & 20<sup>th</sup> April, 2021

**RUMANYIKA, J.:**

When, with respect to the suit premises and the building activities currently carried out by Ayubu Ashiberi (the 3<sup>rd</sup> respondent) the application for an interim order (pending final determination of Land Case No. 4/2021 herein pending) was, by way of audio teleconferencing (Mobile Nos. 0685080829, 0769107068 and 0766500051) respectively called on today the 20/04/2021 for hearing, very quickly Mr. Malick Mweneyuni and Ms. Sabina Yongo learned state attorneys for Mwanza City Council and the Attorney General (the 1<sup>st</sup> and 2<sup>nd</sup> respondent) respectively they conceded and Ms. Mary Maganga learned counsel for the 3<sup>rd</sup> respondent took the same course. On his part, of course for obvious reasons Msafiri Makindi Mtigandi (the

applicant) had no more words other than to agree with the learned attorneys.

Unless end of the day the 3<sup>rd</sup> respondent cum defendant in the said suit won both the war and battle, whatever the developments now being effected by him the latter only ran the risks of irreparable loss under the circumstances I think it for that reasons therefore that precisely, wisely and safely so in my considered opinion the respondents' learned attorneys and more so Ms. Mary Maganga learned counsel for the 3<sup>rd</sup> respondent she readily conceded.

The non-contested application is granted in the interim the 3<sup>rd</sup> respondent, his assigns, agents any and another person claiming right for the 3<sup>rd</sup> respondent they are, pending final determination of the said Land Case No. 04 of 2021 to effect any development, commit any wastage, dispose or something to the suit premises. Each party shall bear their costs given the above noted high degree of wisdom and considerable fairness demonstrated by the learned attorneys.



**S. M. RUMANYIKA**  
**JUDGE**  
**20/04/2021**