

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

AT BUKOBA

LAND REFERENCE NO. 1 OF 2021

*(Arising from the District Land and Housing Tribunal for Kagera at Bukoba in Taxation Cause No. 368 of 2020 and
Original Application No. 38 of 2014 of District Land and Housing Tribunal of Kagera at Bukoba)*

VICFISH LIMITED.....APPLICANT

VERSUS

PIUS FRANCIS BAJWALA.....RESPONDENT

RULING

Date of Ruling: 7/09/2021

Mwenda, J

In this Application, the applicant is praying before this court to make reference and thereby quash and set aside the Ruling and findings in **Taxation Cause No. 368 of 2020** of the District Land and Housing Tribunal for Kagera at Bukoba.

The said Land taxation cause originated from Application No. 38/2014 of the District Land and Housing Tribunal.

It is apparent from record that the applicant had, vide Land Case Appeal No. 24 of 2021, lodged an appeal before this court challenging the decision and orders in Application No. 38 of 2014. At the end of judicial day, this court nullified and quashed the proceedings of the said case.

When this matter came up for hearing, the Applicant was represented by Ms. Pilly Hussein, learned advocate and the Respondent enjoyed the services of Mr. Bengesi, learned advocate.

Ms. Pilly Hussein submitted before this court that following this court's decision in Land Case Appeal No. 24/2021 which nullified the proceedings they have noted that this application is overtaken by events. She thus prayed to withdraw it.

On top of that Ms. Pilly Hussein prayed before this court to call for records and revise the proceedings in Application No. 368/2020 and 42/2021 vide **section 43 (1) para (b) of the Land Disputes court's Act, [Cap 216 R.E 2019]** and quash the proceedings and orders of the District Land and Housing Tribunal of Kagera at Bukoba in order to protect the interest of the Applicant.

On his part, Mr. Bengesi, the learned advocate for the respondent submitted that they have no objection to the applicant's prayer to have their application withdrawn. On the prayer by the learned advocate for the applicant to call for records and revise Application No.386/2020 and 42/2021, Mr. Benges submitted that since the proceedings and orders in Application No. 368/2020 and 42/2021 are affected by the judgment of this court in Land Case Appeal No. 24 of 2021 there is no need of this court calling for records and revise to quash their respective proceedings and orders.


This court considered the prayers by Ms. Pilly Hussein, learned advocate for the applicant to withdraw this land reference and found it pertinent, in the circumstances of this matter to grant it. The records are clear in that the present land reference was filed with intend to seek this court's interventions by quashing the Ruling and findings in Taxation cause No. 368 of 2020 of the District Land and Housing Tribunal for Bukoba. The records also reveal that the Land Taxation cause No. 368 of 2020 emanated from Application No. 38/2014 whose proceedings and orders were quashed in land appeal No. 24 of 2021. That being the case, Land Application No. 38/2014 being the basis of Taxation cause No. 368 of 2020, quashing of Land Application No. 38/2014 have the effect of making the present land reference with no legs to stand on.

As for a prayer by Ms. Pilly to call for and revise the records of in Application No. 368/2020 and 42/2021 of the District Land and Housing Tribunal, this court is of the view as was rightly submitted by Mr. Bengesi that it is not necessary to do so as the outcome in land appeal No. 24/2021 automatically make the said proceedings of no effect.

That being said, the present land reference is marked withdrawn. Each party shall bear their own cost.

It is so ordered.

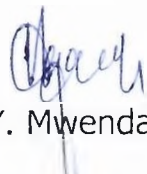



A.Y. Mwenda
Judge

07.09.2021

This Ruling is delivered in chamber under the seal of this court in the presence of Miss. Pilly Hussein learned Counsel for the Applicant and in the presence of the Respondent Mr. Pius Francis Bajwala.




A.Y. Mwenda
Judge

07.09.2021