

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF MWANZA
AT MWANZA
MISC. LAND APPLICATION NO. 13 OF 2022**

**FILBERT NESTORY 1ST APPLICANT
ESTER MASIKO 2ND APPLICANT
ZIADA BAKARI 3RD APPLICANT
FIGHTNESS ABDUL 4TH APPLICANT
FLORA SHOO 5TH APPLICANT
ELIZABETH BITURO 6TH APPLICANT**

VERSUS

**TANZANIA BROADCASTING CORPORATION (TBC)..... 1ST RESPONDENT
THE ATTORNEY GENERAL 2ND RESPONDENT**

RULING

5/5/2022 & 20/6/2022

ROBERT, J:-

The applicants seek an order of this Court to the effect that status quo in respect of a piece of land located at Capripoint Mnarani, Nyamagana District, Mwanza City described as Plot No. 237, Block X with Houses identified as squatter No. MWZ 171020; MWZ 171016; MWZ 00718371; MWZ 00688156 be maintained pending the hearing and determination of an application for temporary injunction to be filed after the expiry of 90 days

statutory notice of intention to sue the Government. The application is supported by the affidavit of the applicants.

On 21st February, 2022 the applicants were served by the first Respondent with 14 days' notice to vacate and demolish their respective houses and developments made on the described property. The applicants intend to challenge the first respondent's claim of ownership to their pieces of land before the High Court and they have served the first respondent with the statutory notice of 90 days of intention to sue the Government. Hence, they filed this application pending the determination of the intended matters to be instituted by the applicants after the expiry of the government notice.

At the hearing of this application Mr. Andrew Luhigo, counsel for the applicants implored the Court to grant the prayer sought on grounds that the denial of this application may result to loss or denial of residence to the applicants and further that the applicants may emerge successful in the intended case against the Government and suffer irreparable loss in case their houses are demolished at this stage.

In response, Ms. Subira Mwandambo, Senior State Attorney opted not to object to this application for reasons that the statutory notice served to


the Government by the applicants expires on 30/5/2022 which is relatively shorter period.

This Court is in agreement with the submissions made by both parties in this application. The balance of convenience weighs towards granting of this application. Whereas denial of this application may result to loss of residence to the applicants, granting of this application will not cause any new hardships as we strive to adjudicate on this matter.

That said, this application is granted is allowed. Status quo in the disputed land to be maintained pending the hearing and determination of the application for temporary injunction to be filed after the expiry of the statutory notice.

It is so ordered.




K.N. ROBERT
JUDGE
20/6/2022