

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

**MISCELLANEOUS CIVIL CAUSE NO. 22 OF 2021
IN THE MATTER OF APPLICATION FOR ORDERS OF
CERTIORARI AND**

**IN THE MATTER OF CHALLENGING THE DECISION OF THE
FOR HOME AFFAIRS TO DEPRIVE THE APPLICANT HIS
TANZANIAN CITIZENSHIP**

AND

**IN THE MATTER OF THE LAW REFORM (FATAL ACCIDENTS
AND MISCELLANEOUS PROVISIONS) ACT, CAP 310 [R.E. 2019]**

BETWEEN

DAVIS MRAGHA NGOO..... APPLICANT

VERSUS

THE MINISTER FOR HOME AFFAIRS.....1ST RESPONDENT

THE COMMISSIONER GENERAL FOR IMMIGRATION...2ND RESPONDENT

THE ATTORNEY GENERAL.....3RD RESPONDENT

RULING

27/06/2022 & 27/06/2022

MZUNA, J.:

Davis Mragha Ngoo, the applicant herein, was on 5th March 2021 denied his Tanzania Citizenship due to what was described as fraud, false

representation and concealment made during his application of his citizenship (see annexure DNM-4 to the application).

He filed the instant application challenging such cancellation after being granted leave. The application which is by chamber summons has been preferred under section 2 (3) of the Judicature and Application of Laws Act, (Cap 358 RE 2002); Section 17 (2) of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act, Cap 310 [RE 2019] and Rule 15 (a) of the Law Reform (Fatal Accidents and Miscellaneous Provisions) (Judicial Review Procedure and Fees) Rules 2014 GN No. 324 published on 5/9/2014 and any other enabling provisions of the law].

The orders which were being sought are:-

- a) *That, this Honourable court be pleased to grant an application for Judicial Review for Order of **Certiorari** to quash the decision of the Minister for Home Affairs dated 05th Day of March, 2021 to deprive the Applicant his Tanzania Citizenship due to alleged fraud, false representation and concealment of material fact illegal, improper, arbitrary, unfair and made without regard to the due process of the law and against the principles of natural justice.*
- b) *Any other Order or Orders that this Honourable court may deem just and equitable to grant.*

The application is supported by an affidavit of the applicant and is supported with his statement. It was also strongly challenged by the counter affidavit of Salum Othman Salum as well as a statement in reply.

During hearing of this application Mr. Michael Ngalo, the learned counsel appeared for the applicant whereas the respondents were represented by Ms. Gati Msetti, the learned State Attorney and Mr. Salum Othman learned State Attorney who did not object this application.

As a matter of fact, the applicant was denied his Tanzania citizenship after the special inquiry committee advised the relevant body to do so after the applicant was alleged to have dual citizenship of Tanzania where his father's belongs and that of Kenya where his mother comes from. He did not denounce the latter citizenship hence the said cancellation of his citizenship. He challenged such decision for breach of natural justice principles (right to be heard). Ms. Gati Msetti conceded to the application.

Since this application stood as unopposed, then this court proceeds to grant the orders sought as follows:-

a/ ORDER FOR CERTIORARI:-

The decision of the Minister for Home Affairs dated 05th Day of March, 2021 which deprived the Applicant his Tanzania Citizenship due to

alleged fraud, false representation and concealment of material fact is hereby quashed and set aside.

b) ORDER OF MANDAMUS;

The minister for Home Affairs is hereby compelled to restore the Passport and citizenship status to the applicant as it was before subject to payment of relevant fees.

c) No order for costs.

Application granted as prayed for.



M. G. MZUNA,

JUDGE.

27/06/2022.