

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA**

LAND CASE NO. 4 OF 2021

LAMECK LUHENDE.....PLAINTIFF

VERSUS

1. IGOBE VILLAGE COUNCIL.....	}	DEFENDANT
2. MEATU DISTRICT COUNCIL.....		
3. MEATU WATER SUPPLY AND SANITATION AUTHORITY.....		
4. ATTORNEY GENERAL.....		

RULING

31st May 2022

MKWIZU, J

The plaintiff suit against the defendants is for an order for payment of Three Hundred and ten Million Tanzania shillings (310,000,000/=) as compensation of his land measuring nine (9) acres situated at Igobe Village within Meatu District allegedly taken by the defendants without compensation. The claim was strongly opposed by the defendants who filed the written statement of Defence together with two preliminary points that:

- 1. The claim of compensation of Tshs 310,000,000/= against the defendants is hopelessly time barred*
- 2. The plaint is untenable and illegal for the plaintiff failure to plead in certain the description of the land in dispute*

When the preliminary objections were ready for hearing, Ms Getrude Faustine advocate holding the of Mr. Joseph Ole Shangai readily conceded to both points of objections urging the court to strike out the suit with no order as to costs. On his party, the learned State Attorney, Mr. Kalenda Michael for the defendants had no objection but pressed for costs.

Since the plaintiffs' counsel has conceded to the point of time limitation then, the appropriate remedy is not striking out the matter but dismissal order under section 3(1) of the law of limitation Act, Cap 89 RE 2019.

In the premises, the suit is dismissed for being filed outside the time prescribed by the law **under section 3 (1) of the law of Limitation Act**. Respondents shall have their costs.

Dated at Shinyanga this 31st day of May 2022


E.Y. MKWIZU
JUDGE
31/5/2022