

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(DODOMA DISTRICT REGISTRY)**

**AT DODOMA**

**MISC. LAND APPEAL NO. 25 OF 2022**

(Arising from the Judgement and Decree in Land Appeal Case No.209 of 2021 before the District Land and Housing Tribunal for Dodoma at Dodoma, Original decision of the Zuzu Ward Tribunal)

**SEVERINE MAZENGO.....APPELLANT**

**VERSUS**

**SALVINA NGAMANDO.....RESPONDENT**

*25/10/2022 & 10/11/2022*

**JUDGEMENT**

**MASAJU, J.**

The Appellant, Severine Mazengo, unsuccessfully sued the Respondent, Salvina Ngamando before the Zuzu Ward Tribunal. Being dissatisfied, he appealed to the District Land and Housing Tribunal for Dodoma where he lost the case again. Undaunted, he is now before this Court attempting to pursue his second right of appeal, hence this judgement.

His Petition of Appeal comprises five grounds of appeal which reads:

*Tribunal decided that the suit land has to be divided among the parties herein.*

At the end of his petition, the Appellant prayed the Court to allow the appeal and quash the decisions of both the District Land and Housing Tribunal and trial Tribunal with costs. At the early stage of this case, the Respondent often went absent. He also never filed his reply to the petition of appeal.

When the appeal was called for hearing, both parties were present. The Appellant proceeded in person whereas the Respondent was represented by Mr. Emmanuel Bwire, the Learned Counsel.

Little was forthcoming from the Appellant him being unlearned in legal matters. He mainly prayed to adopt the grounds of appeal in his Petition of Appeal so that they form part of his submissions. Lastly, he prayed the Court to allow the appeal with costs.

In reply thereto, Mr. Emmanuel Bwire, the learned counsel for the Respondent, contested the appeal. On the first ground of appeal, he contended that the coram of the trial Tribunal was rightly composed as required under Section 11 of the Land Disputes Courts Act [Cap 216 RE 2019]. Either, it was further claimed by him that, Section 14 of the said Act does not apply as it is for mediation.


the coram whilst the typed decision appears complete, dated and comprises five members of the coram, four of them formerly named herein plus one Atanasi Chilala. Needless to observe, the record from the trial Tribunal is silent on the pecuniary value of the suit land so as to ascertain whether it was clothed with the necessary pecuniary jurisdiction. Additionally, the case was not assigned a number.

Section 13 of Land Disputes Courts Act, [Cap 216 RE 2019] provides that the primary function of trial Tribunal shall be to secure peace and harmony (in the area which it is established) by mediating between and assisting parties to arrive at a mutually acceptable solution on any matter concerning land within its jurisdiction. Further, Section 14 (1) of the Land Disputes Courts Act, [Cap 216 RE 2019] imperatively requires tribunals in all matters of mediation to comprise three members whom one of them should be a woman.

With the above positions, Mr. Emmanuel Bwire appears to have misconstrued the law, as he stated that the coram was properly constituted in line with Section 11 of the Land Disputes Courts Act, [Cap 216 RE 2019]. For clarity, the said Section 11 provides for composition of the trial Tribunal and not the coram of the tribunal when it sits to hear disputes.

constituted tribunal comprising another set of members in the trial Tribunal accordingly in accordance with section 14 of the Land Disputes Courts Act, [Cap 216 RE 2019]. The parties shall bear their own costs.



  
GEORGE M. MASAJU

**JUDGE**

10/11/2022