

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

**AT BUKOBA**

**LAND REVISION NO. 09 OF 2022**

*(Arising from the District Land and Housing Tribunal for Kagera at Bukoba in Misc. Application No.26 of 2022  
and Original Civil Case No. 22 of 2021 from Maruku Ward Tribunal)*

**YASINI WILLIAM KARUMUNA ..... APPLICANT**

**VERSUS**

**IMELDA JOHN KARUMUNA ..... RESPONDENT**

**RULING**

*Date of Ruling: 14.02.2023  
A.Y. Mwenda J,*

In this application, the applicant has moved this court to call for, examine, inspect, revise, quash and set aside the proceedings, decisions and orders of the District Land and Housing Tribunal in Misc. Application No. 26 of 2022 and the proceedings of Maruku Ward Tribunal in Civil Case No. 22 of 2021.

The application has been brought by way of chamber summons under section 43(1) (a) and (b) of the Land Dispute Court's Act [ CAP 216 R.E 2019]. It is supported by an affidavit affirmed by the applicant.

The background facts of the application are as follows; before Maruku Ward Tribunal the complainant (now the respondent) filed a claim against the applicant for trespass to her land. At the end of the trial the respondent was declared the rightful owner of the suit land. Following such order, the

respondent filed an application for execution before the District Land and Housing Tribunal for Kagera at Bukoba and the order of which was granted. The applicant was aggrieved by the decision of the ward tribunal and the execution order by District Land and Housing Tribunal hence the present application.

When this matter was scheduled for hearing the applicant was represented by Mr. Scarius Bukagile learned counsel, while the respondent appeared in person without legal representation.

Submitting in support of the application, Mr. Bukagile averred to the effect that the judgment of Maruku Ward Tribunal is tainted with illegality for want of jurisdiction. He said that currently, the duty of the Ward Tribunal is to mediate and reconcile the parties and if no agreement is reached, the tribunal is required to issue a certificate. He thus concluded his submissions by stating that the impugned decision is illegal because it was issued by the Tribunal which has no jurisdiction. To support this argument, he cited section 45 (c) of THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT NO. 3 OF 2021 which amended section 13 of the Land Dispute Court's Act [CAP 216 R.E 2019]

Responding to the applicant's submissions, the respondent submitted that she prays the court to adopt her reply to the ground of appeal as part of her oral submission. Further to that, she said that she is not a lawyer thus she leave it to the court to decide on the matter as raised by the applicant.

Having gone through the submissions by both parties and the courts records, the issue for determination is whether or not the present application is meritorious.

In the present application, the applicant's counsel alleges, in entertaining Civil Case No. 22 of 2021 the Maruku Ward Tribunal exercised its mandates beyond its jurisdiction. The same is that instead of confining itself to reconciling and/or mediating the parties it proceeded to the extent of preparing the judgment. I have considered this complaint and going by the records, I have noted that by 15<sup>th</sup> October 2021 when the said suit was filed, section 13 (2) of the Land Dispute Court Act which vests jurisdiction on the Ward Tribunal to determine and inquire dispute had already been amended under the WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT NO.3 OF 2021 under which section 45 (4) reads as follows;

*Notwithstanding subsection (1) the District Land and Housing Tribunal shall not hear any proceeding affecting the title or any interest in land unless the Ward Tribunal has certified that it has failed to settle the matter amicably."*

With such amendment the Ward Tribunal's role has remained with the task of only mediating the parties and issuing a certificate that the mediation has failed (in case that happens).

From the foregoing observation this court find merits in this application and it is hereby allowed. By virtue of revisional powers under section 43(1) (a) and (b) of the Land Dispute Court Act [CAP 216 R.E 2019] this court nullifies the proceedings in Civil Case No. 22 of 2021 before Maruku Ward Tribunal and Misc. Land Application No.26 of 2022 and set aside the decisions emanating therefrom. Each party shall bear its own costs.

It is so ordered.



  
A.Y. Mwenda

**Judge**

14.02.2023

This ruling is delivered in chamber under the seal of this court in the presence of the applicant Mr. Scarius Bukagile learned counsel for the Applicant and in the presence of the respondent Ms. Imelda John Karumuna the respondent.



  
A.Y. Mwenda

**Judge**

14.02.2023