

THE UNITED REPUBLIC OF TANZANIA
(JUDICIARY)
THE HIGH COURT—LAND DIVISION
(MUSOMA SUB REGISTRY)

AT MUSOMA

Misc. LAND APPLICATION No. 74 OF 2023

(Filed under section 2 (1) & 2 (3) of the Judicature and Application of Laws Act [Cap. 358 R.E. 2019]; section 95 of the Civil Procedure Code [Cap. 33 R.E. 2019]; and the Practice in the Precedent of Mareva Campania Naviera SA v. International Bulk Carriers SA [1980] 1 All E.R. 213)

BONIPHACE CHACHA KERARYO APPLICANT

Versus

1. KEHISANGORA VILLAGE COUNCIL	} RESPONDENTS
2. TARIME DISTRICT COUNCIL		
3. NATIONAL LAND USE PLANNING COMMISSION		
4. THE ATTORNEY GENERAL		

RULING

20.10.2023 & 20.10.2023

Mtulya, J.:

The present applicant, **Mr. Boniphace Chacha Keraryo**, approached this court under a certificate of urgency complaining that in mid-June 2023, **Kehisangora Village Council** (the first respondent) and **National Land Use Planning Commission** (the third respondent) have invaded his land and fixed posters to declare the land has been planned and allocated for graveyards. According to the applicant, the land is located at Kehisangora Village and sized eight (8) acres attached with timber trees, banana trees, coffee trees and other seasonal crops.

The applicant finally prayed this court to intervene for interest of justice and issue an order to maintain a *status quo* in respect of the land until the applicant register his consent for compensation or granted alternative land or expiry of ninety (90) days statutory notice to sue Government institutions, the listed respondents.

Today afternoon the application was scheduled for hearing and two (2) officers of this court had registered their presence on behalf of the parties. **Mr. Goodluck Lukandiza**, learned State Attorney appeared for all the respondents whereas **Mr. Cosmas Tuthuru** entered his presence for the applicant. After several conversations and discussions, it was vivid that the first and third respondents have invaded the applicant's land without justifiable reasons. In the circumstances, the parties agreed that the order of this court to restraint the respondents until when laws regulating land acquisitions are followed, is necessary to be issued.


This is a court of law and justice, and where there is breach of the laws regulating land matters, it cannot hesitate to issue appropriate orders, as in this case. Having said so, I am moved to order the respondents to remove their posters in the applicant's land. The respondents are also restrained from invading and planning on the applicant's land until the applicant is either compensated according to the law or granted an alternative land or

expiry of ninety (90) days statutory notice to sue Government institutions, the indicated respondents.

In the end, I grant the applicant's prayer on restraint order and declined costs. I do so because the respondent's learned State Attorney, Mr. Lukandiza had acted as an officer of this court in searching justice to the parties.

Ordered accordingly.

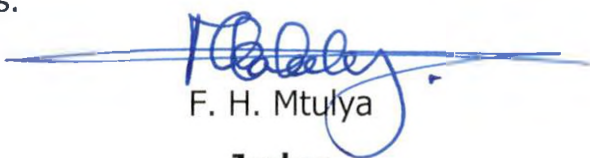



F. H. Mtulya

Judge

20.10.2023

This Ruling was delivered in Chambers under the Seal of this court in the presence of the applicant, **Mr. Boniphace Chacha Keraryo**, and his learned counsel, **Mr. Cosmas Tuthuru** and in the presence of **Mr. Goodluck Lukandiza**, learned State Attorney, for the respondents.


F. H. Mtulya

Judge

20.10.2023