

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

MISC LAND APPLICATION NO. 524 OF 2020

USAFIRISHAJI MIKOANI UNION LIMITED.....APPLICANT

VERSUS

MINISTER FOR LANDS, HOUSING AND

HUMAN SETTLEMENTS DEVELOPMENT.....1ST RESPONDENT

ASSISTANT LAND COMMISSIONER,

EASTERN ZONE.....2ND RESPONDENT

ATTORNEY GENERAL.....3RD RESPONDENT

RULING.

S.M. MAGHIMBI, J:

The application beforehand is lodged under the provisions of Section 2(3) of the Judicature and Application of Laws Act Cap 358 RE 2002 ("The JALA"); Section 19(1) and (3) of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act Cap 310 RE 2002 and Rule 5(1), (2), (5) and (6) ("The Act") and Rule 7(1) and (5) of the Law Reform (Fatal Accidents and Miscellaneous Provisions) (Judicial Review Procedure and Fees) Rules, 2014 GN No. 324 of 2014 ("the Rules"). The applicant is seeking for the following orders:

1. Leave be granted to the Applicant to file an application for prerogative orders of Certiorari removing into the High Court of Tanzania Land Division and quash the Notice to Remedy Breach of Condition (Annexure "F"), Notice of Revocation (Annexure "F") and Revocation (annexure "F") of the applicant's right of occupancy on Farm No. 6 Ruipa, Kilombero District with Title No. 33512 Registered in the name of Usafirishaji Mikoani Union Limited.
2. Costs of the application.
3. Any other or further order which the Honourable Court shall deem just to grant in favour of the Applicant.

This application is supported by the statement of the Applicant and affidavit of Frida Samwel Liweuli, director of the applicant, dated 14/09/2020. Before this court, the applicant was represented by Mr. Daimu Halfani and Mr. Haji Mlosi, both learned Counsels and the respondent was represented by Mr. Stanley Kalokola, lerned State Attorney.

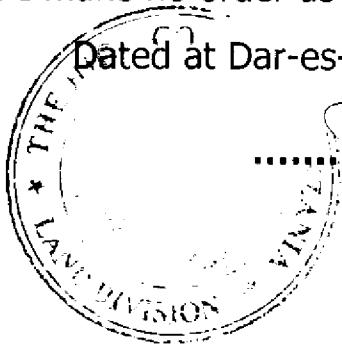
As per the affidavit of the applicant, the applicant alleges to be the occupier and title holder of the Farm No. 6 Ruipa, Kilombero District for the term of 99 years from 1st April, 1987 with Title No. 33512 in the name of Usafirishaji Mikoani Union Limited ("the Disputed Land"). She claims to have been occupying and using the land from the time she was granted it in 1987. A Copy of the Certificate of Occupancy is was annexed to the affidavit as "UM-1". They further alleged that in March 2017 they received information from the Mbingu Ward Executive Officer that the 1st respondent has revoked the right of occupancy over the Title Deed, something which the applicant alleges not to have been aware of. This is what had led to the current application for prerogative orders of Certiorari

on the ground that the applicant's right of occupancy was revoked and she was deprived of her property without giving her the right to be heard.

On the 06/05/2021 when this application came for ruling, Mr. Kalokola informed the court that they do not intend to oppose the application because after scrutiny of the compliance, they are satisfied that the applicant has an interest, application filed within time and the grounds are valid.

Having gone through the records of this application, and further having no objection from the respondent, I am satisfied that the applicant has established sufficient grounds for grant of the orders sought in the chamber summons. The application is hereby granted. The applicant is granted leave to file an application for prerogative orders of Certiorari removing into the High Court of Tanzania Land Division and quash the Notice to Remedy Breach of Condition (Annexure "F"), Notice of Revocation (Annexure "F") and Revocation (annexure "F") of the applicant's right of occupancy on Farm No. 6 Ruipa, Kilombero District with Title No. 33512 Registered in the name of Usafirishaji Mikoani Union Limited. I make no order as to costs.

Dated at Dar-es-salaam this 04th day of June, 2021.




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S.M. MAGHIMBI.
JUDGE.