

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

**(LAND DIVISION)**

**AT DAR ES SALAAM**

**MISC. LAND CASE APPLICATION NO. 121 OF 2023**

**CHARLES MARCO KAGARUKI.....1<sup>ST</sup> APPLICANT**  
**HAMADI A. NGANDALI.....2<sup>ND</sup> APPLICANT**  
**BUTULI R. KISETO.....3<sup>RD</sup> APPLICANT**  
**CAMED O. MRISHO.....4<sup>TH</sup> APPLICANT**  
**HELLENA J. WANGABO.....5<sup>TH</sup> APPLICANT**  
**ADAMA O. ADAMA.....6<sup>TH</sup> APPLICANT**  
**HERI MOHAMED.....7<sup>TH</sup> APPLICANT**  
**HABIL KALANJE MAGESA.....8<sup>TH</sup> APPLICANT**  
**SHAYMAA H. HASSAN.....9<sup>TH</sup> APPLICANT**  
**TABIA JUMA.....10<sup>TH</sup> APPLICANT**  
**WILLIAM OWEN MWANACHE.....11<sup>TH</sup> APPLICANT**  
**BABERE BUBULE MKEHA.....12<sup>TH</sup> APPLICANT**

**VERSUS**

**KINONDONI MUNICIPAL COUNCIL.....1<sup>ST</sup> RESPONDENT**  
**THE ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT**

## **RULING**

Date of Ruling: 08/05/2023

### **L. HEMED, J.**

This is a *mareva* application brought under section 2 (3) of the Judicature and Application of Laws Act [Cap. 358 RE 2019] and Section 95 of the Civil Procedure Code, [Cap 33 RE 2019]. In this application the application are seeking for an order that the 1<sup>st</sup> Respondent or its agent(s), assignees be restrained from evicting the applicants or demolishing their houses erected in the suit land comprised of six acres situated at Mabwepande, Golden Street, Kinondoni District, pending lapse of 90 days' notice.

The learned counsel for both parties have notified the Court that the notice which was served to the Government will expire in two days to come. Ms. Joyce Yonaz learned State Attorney has prayed that an order to maintain the *status quo* for two days be granted to end up the matter at hand. In her part, Ms. Jane Mseja learned advocate has prayed that the order should last for 30 days so that they may have time within which to file the intended suit.

Generally, both parties are at one that the application be granted to the effect that status quo be maintained. They only differ in the time within which such order should last.

I am of the settled view that, in the circumstance of this case and in the interests of justice, the order to maintain the *status quo* on the suit properly should last for 30 days only. I therefore proceed to grant the application with no order as to costs to the effect that *STATUS QUO* should be maintained for 30 days from the day of this order.

It is so ordered.



  
**L. HEMED**  
**JUDGE**  
**08/05/2023**