

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

MISC. LAND APPLICATION NO. 404 OF 2023
(Arising from Land Case No. 168 of 2023 at High Court of Tanzania (Land Division) before Hon. HEMED, J)

HAMIS OTHMAN MWANYA
AMRI YAHAYA MFIKILWA
SAIDI SALIM TENGA
SURA MWITA SUTA AND 82 OTHERS }**APPLICANTS**

VERSUS

BOARD OF TRUSTEES
NATIONAL SOCIAL SECURITY FUND.....1ST RESPONDENT
KINONDONI MUNICIPAL COUNCIL.....2ND RESPONDENT
THE HON.ATTORNEY GENERAL.....3RD RESPONDENT
JMZ LAND FIELD COMPANY LIMITED.....4TH RESPONDENT

RULING

19th July, 2023

L. HEMED, J.

This application has been brought under sections 68(e), 95 and Order XXXVII Rules 1, 2 and 3 of the Civil Procedure Code [Cap. 33 R.E 2019], whereas the applicants, HAMISI OTHMAN MWANYA, AMRI YAHAYA MFIKILWA, SAID SALIM TENGA, SURA MWITA SUTA and 82 others, are seeking for temporary injunction against the respondents restraining them

from alienating and destructing the suit properties pending determination of Land Case No. 168 of 2023.

The application was supported by the joint affidavit of HAMIS OTHMAN MWANYA, AMRI YAHAYA MFIKILWA, SAIDI SALIM TENGA and SURA MWITA SUTA. By 19th July 2023, the respondents Board of Trustees National Social Security Fund, Kinondoni Municipal Council, the Hon. Attorney General and JMZ Land Field Company Limited, were yet to file their counter affidavits.

When the matter was called for hearing of the *ex parte* prayer on 19th July, 2023, the applicants were duly represented by Mr. Geoffrey Lienyi, learned advocate, while Ms. Frida Molel and Ms. Lilian Mirumbe, learned state attorneys appeared representing the 1st, 2nd and 3rd respondents.

On the material date, the counsel for the applicant prayed for an order to maintain the *status quo* on the suit property pending determination of the application *inter partes*. Ms. Molel and Ms. Mirumbe submitted that the current status of the suit landed property is that no one is occupying it and is a bare land. They also submitted to concede to the application that the current *status quo* be maintained so that the main suit is determined expeditiously.


Having heard from the learned counsel, it is very obvious that all are at one that the application be granted with an order to maintain the *status quo* so that efforts are concentrated towards disposal of the main suit. I have quickly gone through the affidavit in support of the application and found that the applicants claim to be legal owners of various pieces of land measuring approximately 85.4 acres, located at Kinondo Mjimpya in Mabwepande Ward in Kinondoni Municipality in Dar es Salaam. The fact that the respondents have conceded to the application, this court has no option but to grant it with the following orders:

1. *STATUS QUO* to be maintained on the suit landed property pending determination of Land Case No. 168 of 2023.
2. Each party to bear its own costs.

It is so ordered.

DATED at DAR ES SALAAM this 17th day of July, 2023.




L. HEMED
JUDGE