

IN THE HIGH COURT OF TANZANIA

AT DODOMA

LAND APPEAL NO. 29 OF 2014

*(From the Decision of the District Land and Housing Tribunal of
SINGIDA District at SINGIDA in Land Case No. 30 of 2012.*

ABDILLAH SAID..... APPELLANT

VERSUS

HUSSEIN JUMA & 7 OTHERS..... RESPONDENTS

JUDGMENT

17/07/2017

&

22/08/2017

H. H. KALOMBOLA, J.:

ABDILLAH SAID was aggrieved by the ruling of Singida District Land and Housing Tribunal delivered on 7/1/2014 in Misc. Application No. 30/2013. He registered fourteen grounds of appeal but the essence in the grounds of appeal is briefly that the District Land and Housing Tribunal gave ruling while there was no main application pending, that the Chairman decided to make review of Appeal No. 100/2010 suo motto while Misc. Application No. 30/2013 before him was not for review, that the Chairman disregarded the preliminary objection which was

raised by appellant in paragraph 5 of his Counter Affidavit in regard to respondents affidavit, that the Chairman erred when he permitted the respondents to enter into the suitland while he was granted the said land by the same tribunal in Application for Execution of Appeal No. 100/2010, it means the same tribunal gave contradictory decisions over the same land as in Appeal No. 100/2010, the land was granted to the appellant while in Misc. Application No.30/2013 the tribunal allocated the land to the respondents.

Having gone through Misc. Application No. 30/2013 I have noted that it is all about Application for execution. That the respondents herein made application before the District Land Housing Tribunal that decree which was passed in Application No. 100/2010 of the District Land and Housing Tribunal for Singida original case No. 9/2010 be executed of which the application was granted. There was no other decision, the District Tribunal did not review Appeal No.100/2010, Chairman did not give contradictory ruling over the same land.

With the foregoing reasons I find the appeal before this Court devoid of merits, it is dismissed with costs.

It is so ordered.



H.H.
(H. H. KALOMBOLA)

JUDGE

22/08/2017

DATE: 22/08/2017

Coram: Hon. Madam D.R. Lyimo DR.

Appellant: Present.

1st Respondent: - Present

2nd Respondent:- Present

3rd Respondent:-Present

4th Respondent:-Present

5th Respondent: Present

6th Respondent:- Present

7th Respondent:- Present

8th Respondent:- Present

C/c: Ijinji.

COURT

This case is coming for judgment and the same is delivered today.




D.R. LYIMO

DEPUTY REGISTRAR

22/08/2017

COURT

Judgment delivered on this 22nd day of August, 2017 in the presence of Appellant and in the presence of both respondents. Court clerk Ijinji present.




D.R.LYIMO

DEPUTY REGISTRAR

22/08/2017

Right of Appeal Explained.




D.R.LYIMO

DEPUTY REGISTRAR

22/08/2017