UNITED REPUBLIC OF TANZANIA

JUDICIARY

HIGH COURT OF TANZANIA

MOROGORO DISTRICT REGISTRY

AT MOROGORO

CIVIL CASE NO 6 OF 2023

MSAFIRI R. MORE ..... 1ST PLAINTIFF

SHUKURU HAMISI FUNDUGORO ..... 2ND PLAINTIFF

OMARY JARIBU MAJARA ..... 3RD PLAINTIFF

TAUSI MOHAMEDI RAJABU ..... 4TH PLAINTIFF

ALY M. ABDALA ..... 5TH PLAINTIFF

HERY HAMISI MAKUSI ..... 6TH PLAINTIFF

FIKIRI ALY ABDALA ..... 7TH PLAINTIFF

ABDALA JUMA SAID ..... 8TH PLAINTIFF

SIASA ALY MOHAMEDI ..... 9TH PLAINTIFF

SEFU ISSA KISANGILE ..... 10TH PLAINTIFF

NASIBU R. MORE ..... 11TH PLAINTIFF

SALUMU S. CHUMA ..... 12TH PLAINTIFF

MWANAHAMISI R HAMISI ..... 13TH PLAINTIFF

TUNU SHOMARI CHALO ..... 14TH PLAINTIFF

ISSA SHABANI KIPILA ..... 15TH PLAINTIFF

IDI HOSSENI IDI ..... 16TH PLAINTIFF

MOHAMEDI N. NZOGELA ..... 17TH PLAINTIFF

MUHUDI MANSURI KIBWENDE ..... 18TH PLAINTIFF

ABDALLA ALI KAWAMBWA ..... 19TH PLAINTIFF

HASHIMU R. SALUMU ..... 20TH PLAINTIFF

ABDALLAH R. MORE ..... 21ST PLAINTIFF

ZAINABU RAMADHANI SALUMU..... 22ND PLAINTIFF

KASIMU H MATANZA ..... 23RD PLAINTIFF

VERSUS

MOROGORO DISTRICT COUNCIL ..... 1ST DEFENDANT

THE OFFICE OF MINISTER OF STATE IN THE PRESIDENT'S OFFICE (REGIONAL ADMINSTRATION AND LOCAL GOVERNMENT) ..... 2ND DEFENDANT

REGIONAL ADMINISTRATIVE SECRETARY FOR MOROGORO REGION ..... 3RD DEFENDANT

SERIKALI YA KIJIJI CHA LUHOLOLE ..... 4TH DEFENDANT

BARAZA LA MAENDELEO LA KIBUKO WARD ..... 5TH DEFENDANT

BARAZA LA MAENDELEO LA MKUYUNI WARD ..... 6TH DEFENDANT

ATTORNEY GENERAL ..... 7TH DEFENDANT

RULING

Date of last order: 12/06/2023

Date of judgement: 14/07/2023

MALATA, J

The plaintiffs herein filed suit jointly and severally claiming for the following;

1. Declaratory orders that the relocation of Luhololе village from Mkuyuni Ward into Kibuko Ward by the defendants is illegal and ineffectual.
2. Declaratory order that Luhololе village forms part of Village constituting Mkuyuni Ward.

In nutshell, the facts of the case can be deciphered from the pleadings that, the Luhololе Village was established in the 1973 and formed part of Villages of Mkuyuni Ward.

That, since the formation of Mkuyuni Ward the residents of Luhololе Village lived in peacefully and harmony until the year 2011 when the

Ward Development Committee for Mkuyuni resolved to establish Kibuko Ward with an intention of re-allocating Mkuyuni Village into Kibuko Ward without involving the residents and getting approval from the villagers of Luhololе and other villages. Futher, the establishment of Kibuko Ward and plans of re allocating Luhololе Village from Mkuyuni Ward was made without the knowledge of the plaintiffs who are residents of Luhololе Village.

In a year 2014, when the 1st plaintiff was seeking nomination as a candidate for chairmanship of Luhololе Village, he was informed by the Village Executive Officer (VEO) of Luhololе Village that Luhololе is in Kibuko Ward and that if his form indicates otherwise, he will not be nominated a contestant for the post.

In the year 2015 soon after election, the 1st plaintiff inquired into the truth of whether Luhololе Village was allocated to Kibuko Ward or not by writing a letter to Ward Counsellor of Mkuyuni Ward and thereafter to the 1st defendant.

Immediately After the election of Kibuko and Mkuyuni Ward Counsellors, Luhololе Villagers convened a general meeting of a village and unanimously decided not to approve the formed Ward of Kibuko. Further inquiring on whether Luhololе Village was re allocated or not and

resolved on placing the matter to the 2nd defendant for directives. After thorough inquiry they found out that Luholole Village was re allocated into Kibuko Ward by the 4th and 5th defendants without the participation of the villagers of Luholole.

In 2018 the plaintiff wrote a letter to the 2nd defendant complaining for the acts and conduct of the 1st, 4th and 5th defendants of re allocating Luholole village into Kibuko Ward. In the same year, the 2nd defendant through the Permanent Secretary responded to the plaintiffs' letter directing the 3rd defendant to convene a meeting with the villagers and find solution of the said dispute. Further, the Permanent Secretary informed the 3rd defendant that, if they fail to find solution to the said dispute, he will nullify the re allocation of Luholole Village into Kibuko Ward and return it to Mkuyuni Ward.

The plaintiffs further stated that, despite all the directives from the 2nd defendants the 3rd defendant has failed to honour the said directives and neither the 1st nor the 2nd defendants nullified re allocation of Luholole Village into Kibuko Ward. The reallocation of Luholole village into Kibuko Ward has forced the residents of Luholole to attend school at Kibuko Secondary despite the fact that, they were selected to join Mkuyuni Secondary rendering some of the students to remain at their homes,

and to date none of the defendants has done anything to disassociate itself with an alleged re allocation of Luhololе village from Mkuyuni Ward executed against their will and consent of the villagers of Luhololе.

In response to the plaintiffs' claim the defendants filed the Written Statement of Defence with a notice of preliminary objection that;

1. The court has no jurisdiction to entertain the matter.
2. The suit is time barred for being filed out of time as per the Law of Limitation Act, Cap. 89 R.E. 2019
3. The plaintiffs have no locus standi.
4. The case was wrongly filed.

Hearing of the preliminary objection was conducted orally whereas, the plaintiffs were represented by Mr. Mussa Daffa, the learned counsel while the respondents were represented by Ms. Lightness Tarimo and Ms. Elifrida Mutashobya, both learned State Attorneys.

It is a trite law that, where a pleading is attacked by a preliminary objection, the court has to determine it first before reverting to the main suit. This was held in the case of **Thabit Ramadhani Maziku and another vs. Amina Khamis Tyela and another**, Civil Appeal no 98 of 2021 which position was repeated in the case of **Bank of Tanzania vs.**

Devran P. Valambia, Civil Application no. 15 of 2002 (CAT) (unreported) where the court held that;

> *"The aim of preliminary objection is to save the time of the court and of the parties by not going into the merit of application because there is a point of law that will dispose of the matter summarily."*

Submissively and in compliance with above court of appeal position, this court directed the parties to address first the points of law for disposition before reverting to the main suit.

Addressing in support of first point of Preliminary Objection Ms. Mutashobya learned State Attorney submitted that, in the present case, the plaintiffs are challenging administrative action by 2nd defendant of reallocating Luhololе Village to form part of Kibuko Ward. The issue is purely administrative thus has to be challenged by way of judicial review. To massage the point, Ms Mutashobya referred this court to the case of **Elieza Zacharia Mtemi and 12 others vs. The Attorney General and 3 others,** Civil Appeal no. 177 of 2018 (unreported).

In the cited case, the appellants were challenging the establishment of the 4th respondent and the appeal was dismissed as the appellant

sought administrative action of the Government bodies through an ordinary court process by way of a suit.

Ms. Mutashobya concluded by submitting that, since the present suit challenges the administrative action by the respondents then the proper procedure was to invoke judicial review not otherwise. She finally succumbed.

As to the second point of preliminary objection, Ms. Mutashobya submitted that, the plaintiffs before this court are seeking for declaratory orders, the time within which to file is six (6) years. To cement the position, she referred to **item 24 Part I to the schedule to the Law of Limitation Act, Cap.89 R.E.2019**, the case of **CRDB 1996 vs Boniface Chimya (2003) TLR 413** and the case of **Semeni Kapera vs. Ashura Hamisi and 2 others**. In all these cases, the courts confirmed that, the time limit within which to file suit seeking for declaratory orders is six (6) years.

In present case, the cause of action arose in 2011 as per paragraph 12 of the plaint as confirmed by the plaintiffs that reallocation commenced without involving the Villagers, the plaintiffs inclusive. The plaintiffs filed this case on 20th March, 2023 which is 12 years from the accrual date.

Since, the suit is time barred then it has to face consequence stated in section 3(1) of the Law of Limitation Act, that is to dismiss the suit. This court was faced with a similar situation in the case of **Semeni Kapera vs. Ashura Hamisi and 2 others,** it dismissed the matter.

As to the third point of preliminary objection, the plaintiffs are claiming that, they were not involved in allocation of the Luholole Village within Kibuko Ward, the plaintiffs are twenty-four (24) in number and they instituted the suit covering all the villagers without being authorised to do so on their behalf, on this point Ms. Mutashobya bolstered his submission with the case of **Lujuna Shubi Balonzi vs. Registered Trustees of Chama cha Mapinduzi [1996] TLR 203**, where the court said;

> *"In order to maintain proceedings successfully a plaintiff or applicant must show not only that the court has power to determine the issue but also that he is entitled to bring the matter before the court."*

In the present case, the plaintiffs didn't indicate that they have mandate to sue on behalf of the rest of the villagers.

As such, Ms. Mutashobya submitted that, the plaintiffs have no. locus standi. Finally, she submitted that, the last point of preliminary objection

is covered in ground One. Ms Mutashobya prayed for dismissal of the suit with costs.

In reply thereof, Mr. Daffa started his submission on the issue of time limitation and submitted that plaint should be read as whole. In paragraph 16 of the plaint, the plaintiffs stated categorically that, the cause of action accrued on 2018.

As to paragraph 12 relied upon by Ms. Mutashobya learned State Attorney is just a narration and it does not provide for cause of action, it just provides for intention but reallocation took place on 2018 as per paragraphs 16 and 17 of the plai nt. Furthermore, Mr Daffa argued on the other way around that assuming the cause of action arose on 2011 but the same came into the plaintiff's knowledge in 2018 by virtue of paragraph 17 of the plaint. It was Mr. Daffa's submission that, the cause of action should come from the date it came to the plaintiff's knowledge. Regarding the two cited cases by Ms. Mutashobya, that is of the **CRRB case** and **Semeni Kapera case** the same are distinguished with the case at hand to the effect that the two cases doesn't have information as to when the plaintiff acquired the knowledge.

In the instant case, even if the cause of action arose in 2011 but it came to the knowledge of the plaintiff in 2018, he thus prayed this ground be overruled for being devoid of merits.

As to the point of Locus standi which is preliminary objection three, Mr. Daffa submitted that, in paragraph 1 of the plaint it is stated that the plaintiffs are residents of Luhololе Village, the basis of the claim is to re allocate the said Luhololе village into another ward. He submitted that; in that regard they have locus standi to institute the instant suit. Mr. Daffa referred this court to the case of **Christopher Mtikila vs. Attorney General [1995] TLR 32**, where the court stated that;

> *"The suit for public interest it is not necessary for genuine and bona fide litigant to demonstrate personal interest in the matter."*

Mr. Daffa further submitted that, even if the plaintiffs were not residents of Luhololе village still they would have taken refuge of Article 26 of the Constitution of United Republic of Tanzania and come to this court.

The act done by the defendant without affording opportunity the plaintiffs to attend and participate in the meeting is a violation of natural justice. As such, the plaintiffs have locus standi and the issue of consent of other villagers isn't relevant. To massage his position, he referred this

court to the case of **Hekima Mwasipu and others vs. Tanganyila Law Society and other, Misc. cause no 2 of 2023,** in which the case was instituted by the minority for the benefit of majority and without their consent, he prayed for this court to overrule this point of preliminary objection.

Submitting on the issue of jurisdiction, Mr. Daffa the learned counsel submitted that, the prayers cannot be sought by way of judicial review, that is why the plaintiffs come by way of suit, thus this court has inherent powers to grant the sought.

What amount to administrative function can be decided based on the prayers sought, therefore, this court has jurisdiction. He finally asked the court to determine the issue of denial of right to be heard complained by the Plaintiffs.

By way of rejoinder, Ms. Mutashobya stated that, on the first point of preliminary objection the matter is administrative as echoed in the case of **Elieza** (supra).

As to the time barred issue, right of action on the date of accrual or when it came to the knowledge of the plaintiffs. This is in a year 2011. In paragraphs 16 and 17 are a reminder communication of the misunderstanding occurred in 2011 not otherwise.

As to the issue of locus standi the plaintiffs have no locus standi and that the **Mtikila case** was constitutional case while the present case goes to the private rights.

As to the cited case of **Hekima Mwasipu** Ms. Mutashobya submitted that, the case did not discuss anything on locus standi, thus misplaced.

Having gone through the submissions, the ball is now on the court to determine if the points of preliminary objection raised by the defendants are meritorious.

To start with, this court has from the pleadings and submission gathered that, the parties are in agreement that, the plaintiffs are complaining about the action by the defendants of re allocating Luhololе Village to Kibuko Ward without involving the Villagers of Luhololе, the plaintiffs herein inclusive. The plaintiffs therefore are lamenting to have been denied right to be heard by the defendants on the action taken of re allocating Luhololе Village to Kibuko Ward from Mkuyuni Ward.

As such, the plaintiffs decided to institute the present suit requesting this court to make declaration that the action by the defendants to relocate the Luhololе Village to Kibuko Ward from Mkuyuni Ward is illegal and ineffectual thus nullify all such decision and action so taken and executed.

The bottom line of complaint is denial of right to be heard to Luholole Villagers, the plaintiffs inclusive before the defendants taking any decision of relocating Luholole Village to Kibuko Ward. The Parties herein are thus in variance as to whether the plaintiffs have taken a correct root to pursue for their rights bearing in mind, they are contesting for administrative action by the defendants.

While the defendants are of the view that, the plaintiffs ought to have challenged the action complained of administratively, the plaintiffs' side are arguing that, they have taken right recourse to pursue for their rights. This takes me to the first point of preliminary objection, on whether or not this court has jurisdiction to entertain the suit challenging this administrative decision through normal civil suit.

It is trite law and learning that, once issue of jurisdiction is raised the court has to deal with it strictly as it touches the inherent powers of the court. This has been stated numerous authorities just to cite a few; in the case of **Fanuel Mantiri Ng'unda vs. Herman Mantiri Ng'unda and 20 others**, Civil Appeal no. 8 of 1995 (unreported) as the court stated

> *"The question of jurisdiction for any court is basic,* ***it goes to the very root of the authority of the court to adjudicate***

upon cases of different nature*.....The question of jurisdiction is so fundamental that courts must as matter of practice on the face of it be certain and assured of their jurisdictional position and the commencement of trial....* ***It is risky and unsafe for the court to proceed with trial of a case on the assumption that the court as jurisdiction to adjudicate upon the case".***

In the present case, Ms Elifrida Mutashobya learned State Attorney submitted that, the act done by the 2nd defendant of reallocating Luhololе village is administrative action which cannot be entertained by this court through a normal civil suit but rather it can be challenged by way of judicial review. To cement the point Ms. Elifrida Mutashobya referred this court to court of appeal decision in the case of **Elieza Zacharia Mtemi** supra, on the other hand Mr. Daffa the learned counsel for the plaintiffs submitted that this court has jurisdiction to entertain this suit as it has inherent powers. The question whether there is remedy for challenging administrative action by the Government bodies charged with performance of public duties?

In the case of **Elieza Zacharia Mtemi** (supra), the court of appeal principled that;

"In the circumstances we shall dismiss the appeal for mainly two reasons that are intertwined. ***First****, for the suit being unmaintainable because it sought to question administrative actions of government bodies through an ordinary court by suit.* ***Secondly****, within the same suit it sought to enforce constitutional rights of the appellants to protect public property by way of an ordinary suit."*

For a judicial review remedy to be invoked there must be ***one***, administrative or quasi-judicial body, ***two***, the administrative or quasi-judicial body must have performed public function, ***three***, there must be a decision made by the administrative or quasi-judicial body in discharging of public duties, ***four***, there must be decision which is final. Should there be no final decision then the affected party must exhaust the available remedy administratively before reverting to judicial review remedy, short of that, administrative action cannot be challenged through a normal civil suit given the nature of orders sought. The presence of this forum bars the parties from reverting to other normal civil suit way of raising grievances.

In challenging Administrative or quasi-judicial decision, the grounds upon which judicial review can raised includes; ***one***, denial of right to be heard, ***two***, exercise of powers vested to ultra viresly ***three***, failure by

the administrative body to act, thence, demand by the affected party requiring it to perform a public duty imposed by the Constitution or Statute and ***four***, for any ground falling within administrative body in performance of public duties.

Under the judicial review remedy one can apply for prerogative orders; ***one***, mandamus, ***two***, certiorari and ***three***, prohibition. Judicial review is governed by two famous laws; ***one***, the Judicature and Application of Laws Act, Cap.358 R.E.2019 and its Rules, and ***two***, the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act, Cap.310 R.E. 2019.

The rationale behind having the judicial review remedies is to provide for specific legal forum in which administrative decisions can be pursued and challenged.

When the court is entertaining Judicial review cases, it exercises its supervisory powers over administrative and quasi-judicial bodies in discharge of performance of public duty imposed to it by the Constitution and Statute. The above legal position is echoed by the decision in the case of **Felix Mselle vs. Minister for Labour and Youths and three others [2002] TLR 437**, where the court held that;

> *"Judicial review of administrative action is the power or process by which the* ***High Court exercises its supervisory jurisdiction over proceedings and decisions of inferior***

tribunals or other authorities, bodies or persons charged with performance of public acts and duties; *this power is not* ***statutory but inherent in the High court."***

I am of the same position that administrative action of the persons charged with the performance of public acts or duties is challenged by way of judicial review and not normal civil suit against the Government. This position is confirmed by the court of appeal through its decision in the case of **Elieza Zacharia (supra)**

"It is, undoubtedly, settled that where the law provides for a special forum, ordinary Court should not be entertained in such matters."

All said and done, this court is with no malingering of doubt that, ***one***; the plaintiffs are challenging administrative action by the respondents of reallocating Luholole Village to Kibuko Ward, ***two***, plaintiffs are complaining of denial of right to be heard by the respondents in the whole process of making and executing decision which is one of the ground in challenging the administrative action seeking prerogative orders of Mandamus, Certiorari and Prohibition, ***three***, that under the guidance of the court of appeal decision in the case of **Elieza Zacharia (supra),** this court has jurisdiction to entertain such case through the recourse taken. Therefore, I am legally inclined to agree with Ms.

Mustashobya that, this court has no jurisdiction to entertain it, as the plaintiffs have specific forum to go through as stated in the case **Elieza Zacharia (supra). This point of law is hereby sustained.**

Regarding the second point of preliminary objection, that the suit is time barred. The counsels were in dispute as to which is the correct date of accrue of cause of action, while the defendants relying on paragraph 12 of the plaint, they stated that the cause of action accrued in 2011. Paragraph 12 states that, which stated that,

> *"That, since the formation of Mkuyuni Ward the residents of Luholole Village lived in peacefully and harmony* ***until in the year 2011 when the village leaders forming*** *part of Baraza la maendeleo of Mkuyuni ward* ***resolved to establish Kibuko Ward with an intention of re allocating Mkuyuni Village into Kibuko Ward without involving the residents and getting approval from the villagers of Luholole and other villages.*** *That, the establishment of Kibuko Ward and plans of reallocating Luholole Village from Mkuyuni Ward were done* ***without the knowledge of the pliantiffs who are residing in Luholole Village.*** ***(Emphasise is mine)***

The plaintiffs through Mr. Daffa learned counsel stated that, the cause of action accrued in 2018. He made reliance on paragraphs 16 and 17 of the plaint. Paragraph 16 stated;

> *"That, after thorough inquiry they found out that Luholole Village was re allocated into Kibuko Ward by the 4th and 5th defendant without the participation of the villagers of Luholole and consequently in the year 2018 the plaintiff wrote a letter to the 2nd defendant complaining of the acts of and conducts of the 1st, 4th and 5th defendants of reallocating Luholole Village into Kibuko Ward"*

Paragraph 17 stated;

> *"That, later in the year 2018, the 2nd defendant through its permanent secretary responded to the plaintiff letter directing the 3rd defendant to convene the meetings with the villagers and find solution of the said dispute. Further that the said permanent secretary informed the 3rd defendant that if they fail to find solution to the said dispute, he will nullify the reallocation of Luholole Village into Kibuko wrd and return it into Mkuyuni Ward."*

This court is called upon to determine as when is the accrual of right of action. Section 5 of the Law of Limitation Act provides for accrual of right of action. It provides that;

> *"Subject to the provisions of this Act, the right of action in respect of any proceeding,* ***shall accrue on the date on which the cause of action arises."***

The question is when did the plaintiffs' right of action accrued in the circumstances? Paragraph 12,13, 14, 16, and 17 of the plaints they all provide for message that, the cause of action accrued in 2011. Moreover, the letter referred in paragraph 17 paragraph 2 depict that, the complaint of allocating Luholole Village to Kibuko Ward was send to the 3rd defendant in 05/04/2016 following the decision in 2011.

Another question is whether there was a decision in 2011 capable of being challenged. in paragraph 12

> ***.....until in the year 2011 when the village leaders forming*** *part of Baraza la maendeleo of Mkuyuni ward* ***resolved*** *to establish Kibuko Ward with an intention of re allocating Mkuyuni Village into Kibuko Ward without involving the residents and getting approval from the villagers of Luholole and other*

villages. That, the establishment of Kibuko Ward and plans of reallocating Luholole Village from Mkuyuni Ward were done ***without the knowledge of the pliantiffs who are residing in Luholole Village.***

(Emphasise is mine)

The above provision makes reference to a year 2011 when the Baraza la Maendeleo ya Kata resolved to establish Kibuko Ward with an intention of re allocating Mkuyuni Village into Kibuko Ward without involving the residents and getting approval from the villagers of Luholole and other villages.

Further, the paragraphs either directly or impliedly provide that the plaintiffs had yet to establish the relocation thus continuation of any inquiry from 2011 to 2018

In my view therefore, the cause action accrued in 2011 when the action of relocating Luholole Village was made by Baraza la Maendeleo la Mkuyuni made decision of relocation. Any purported interests by the plaintiffs were traversed with effort from that year.

Nowhere by the plaintiffs if there was any other decision apart from the one made in 2011 which is being challenged before this court.

In 2018 there was no further decision made by any administrative or quasi-judicial body affecting the plaintiffs, thus the present suit.

In that regard, the only action stood to date is that of 2011 as per paragraph 12 of the plaint of which the plaintiffs were aggrieved with to date. No further decision ever been made apart from the decision of Baraza la Maendeleo la Kata ya Mkuyuni in 2011.

In the present suit, the plaintiffs are claiming for declaratory orders thus a suit on declaratory orders. The time limit within which to seek for declaratory orders is six (6) years based on Item 24 of Part I to the schedule of the Law of Limitation Act. The above position is further cherished by the court of appeal decision in the case of **CRDB 1996 vs. Boniface Chimya** (supra), the court specifically stated that;

> *"What was sought in this case was, among others,* ***declaratory order, the period of limitation prescribed for which is six years;*** *therefore, the suit was filed well within time in respect of the declaratory order sought, whether the relief I sought was ancillary or incidental to the substantive relief, the period of limitation remains the same;"*

Counting from 2011 when impugned decision was made which is the accrual date of right of action to March, 2023 the month and year of filing the present suit, it is clear more than eleven (11) years has passed.

The time limit to file such suit is six (6) years. Thus, the suit is time barred for more than five (5) years.

I, therefore share similar attitude with Ms. Elifrida Mutashobya learned State Attorney that, the suit is time barred. Consequently, I hereby hold that the suit is time barred under the guidance of the facts, cited law and court decisions.

The next question is what is the fate of the suit which is found to be time barred?

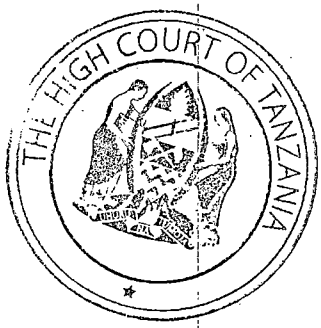
The Law and precedents have already made it clear, the fate of the suit filed outside *time limine* prescribed the law. In the case of **NBC Limited and another vs. Bruno Vitus Swalo**, Civil Appeal no. 331 of 2019, the court of appeal held that, the suit which is filed out of time has to be dismissed in terms of section 3(1) of the Law of Limitation Act. Guided by that decision, this suit has to suffer similar verdict as I hereby do.

Since, the horse has already been killed by virtue of the first and second preliminary objections being upheld, this court finds that, there is no need to keep on spearing the demise horse, as it is a wastage of energy and resources for fruitless exercise.

In the event, therefore, I hereby dismiss the plaintiffs' suit with costs.

IT IS SO ORDERED

DATED at **MOROGORO** this 14th July, 2023.



G. P. MALATA

JUDGE

14/07/2023

RULING DELIVERED at **MOROGORO** this 14th July, 2023

G. P. MALATA

JUDGE

14/07/2023