

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

SUMBAWANGA DISTRICT REGISTRY

AT SUMBAWANGA

MISCELLANEOUS CIVIL APPLICATION NO. 32 OF 2022

**In the matter of an application for leave to apply for orders of certiorari
and prohibition**

AND

In the matter of the registration certificate of Nguvukazi Group

BETWEEN

NGUVUKAZI GROUP APPLICANT

VERSUS

**THE DISTRICT EXECUTIVE DIRECTOR (DED)
TANGANYIKA DISTRICT COUNCIL 1ST RESPONDENT
NATIONAL PROSECUTION SERVICE (NPS)
KATAVI REGION 2ND RESPONDENT
THE ATTORNEY GENERAL 3RD RESPONDENT**

RULING

MRUMA, J.:

Without wasting much time of this Court this application is bound to fail. The Applicant Nguvukazi Group instituted this application for Certiorari and Prohibition against three Respondents namely; The District Executive Officer of Tanganyika District Council, the National Prosecution Services (NPS) Katavi Region and the Attorney General.

The order sought is intended to restrain the 1st Respondent from cancelling registration of the Applicant as a Community Based organization (CBO) which was registered by the 1st Respondent and issued with Registration No. 0018.

The first reason as to why this application should fail is that as correctly observed by the learned State Attorney who represented the Respondents, whereas certificate of Registration No. 0018 was issued to a Community Based Organization (ie. Group) called NGUVUKAZI KILIMO SIBWESA and therefore registered the Applicant in these proceedings is NGUVU KAZI GROUP. In the eyes of law an organization registered in the name of NGUVU KAZI KILIMO SIBWESA is different from an entity called simply NGUVU KAZI GROUP.

Secondly looking at some of the attachments to the applicants supporting affidavit it would appear that the gist of this matter is the ruling and execution of a decree of the District Land and Housing Tribunal for Rukwa at Sumbawanga in Land Appeal No. 1 of 2010 between Ramadhani Kasonso Versus Stivin Zacharia. Ramadhani Kasonso who described himself in the present proceedings as a member and principal officer of NGUVU KAZI GROUP deponed in paragraph 4 of the supporting affidavit thus:-

"That seeing the situation that way people started admiring the land and so by the farming season of 2009 – 2010 one Stivin Zacharia leading a group of 6 people entered upon the land claiming to be theirs.....the case was taken to be Katuma Ward Tribunal and later to the District Land and Housing Tribunal for Rukwa (Land Dispute No. 52 of 2009 and 01 of 2010 respectively)".

However looking at the attached annextures which are relating to the said Land Dispute No. 52 of 2009 of Katuma Ward Tribunal and Land Appeal No. 1 of 2010, they do not have any connection with the present Applicant NGUVU KAZI GROUP. Both proceedings related to natural persons, including Mr. Ramadhani Kasonso. They appeared in their personal capacity. The present Applicant who is said to be a legal person didn't appear as she was not a party to those proceedings. It was therefore wrong for the Applicant to apply for orders of certiorari and prohibition based on proceedings which she was not a party.

This point alone suffices to dispose of this application by dismissing it for want of *locus standi* and *legal capacity* to sue. Costs will be borne personally by Mr. Ramadhani kasonso, the deponent of the

supporting affidavit who is responsible for instituting this otherwise vexatious application.

Order accordingly.



A.R. MRUMA

JUDGE

02/11/2023

Court: Ruling delivered in absence of the Applicant but in presence of the Respondent.



A.R. MRUMA

JUDGE

02/11/2023