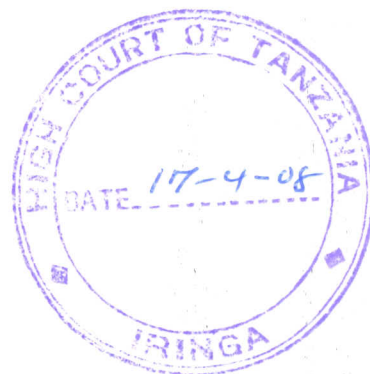


**IN THE HIGH COURT OF TANZANIA
AT DODOMA**



**DC CIVIL APPEAL NO. 3 OF 2006
(ORIGINAL CIVIL CASE NO. 1 OF 2003 OF THE
DISTRICT COURT OF DODOMA AT DODOMA –
A.W. MAHAY ESQ., RESIDENT MAGISTRATE)**

BATHOLOMEO PAUL PHIRI APPELLANT

Versus

THE DIRECTOR GENERAL

C.D.A. DODOMA RESPONDENT.

09.05.2006 & 15.06.2006

JUDGMENT

MASANCHE, J.

The Plaintiff, **BATHOLOMEW PAUL PHIRI** had opened a civil case in the District Court of Dodoma,

against Capital Development Authority (CDA). He had alleged that CDA had pulled down his house and was, therefore, demanding some compensation for the demolition.

His case was dismissed. He now appeals to this court.

In the District Court, apparently, the appellant had the services of the learned advocate, Mr. Nyangarika.

The facts of the case are not involving.

The appellant had secured that place in 1984. According to him, it was well before C.D.A. came into existence.

In 1996, CDA Surveyed the area, and was given the plot No. 41 Block "S" Area "E" - Dodoma Municipality. The appellant was given an offer to that plot as, truly, he was found there when the survey was done. His house was a mud house.

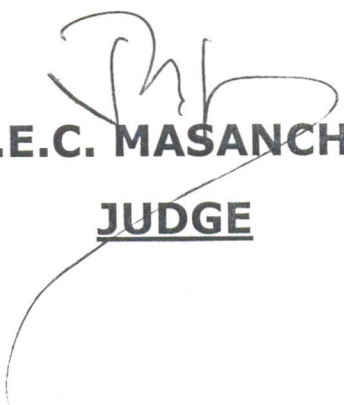
Now, for reasons best known to the appellant, he increased the size of his house to include a portion that had not been allocated to him. So, CDA came and pulled down the portion that had jutted out. That, then, has been his complaint.

The appellant had argued that the demolished portion was his. But this is against the evidence. Unfortunately, for him, photographs were tendered in Court to show exactly what portion of the structure had been demolished. He was asked the value of his house, generally, and he said his house was worth ten million shillings. That, indeed, was held to be a conjecture. His house was just a mud house.

I agree with the trial court that the appellant had no case against CDA. It was rightly dismissed.

The appeal is dismissed with costs.




J.E.C. MASANCHE
JUDGE

DODOMA

15TH JUNE, 2005

Appellant - Present in person.

Respondent:- Olipa Mkuyu.