**ALI V SALUMU**

**Division:** High Court of Tanzania at Dar Es Salaam

**Date of judgment:** 19 February 1973

**Case Number:** 36/1972 (49/74)

**Before:** Mfalila Ag J

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*[1] Land – Boundary – River bank – Change of course – Rights of owners of riparian land.*

*[2] Land – Customary law – Rights of occupation between Wakutu occupying public land – Wakutu customary law to be applied – Land Ordinance* (*Cap.* 113), *s.* 3 (1) (*T*)*.*

**Editor’s Summary**

The appellant and the respondent occupied land under Wakutu custom alongside a river which changed its course, adding to the appellant’s land. The first court awarded this to the appellant, and on first appeal it was held that as all land is public land, anyone has a right to undeveloped and unclaimed land.

On further appeal

**Held –**

(i) All public land is held subject to the native laws and customs of the district;

( ii) the customary law is that the addition of land by a river augments the land on that side.

Appeal allowed.

**No cases referred to in judgment**