**Mushunga v Rwekanika**

**Division:** High Court of Tanzania at Mwanza

**Date of judgment:** 8 January 1974

**Case Number:** 16/1972 (103/74)

**Before:** Mfalila J

**Sourced by:** LawAfrica

*[1] Land – Sale – Agreement for sale – Presidential consent not obtained – Consent not required for*

*agreement – Land Regulations,* 1948, *r.* 3 (*T*).

*[2] Registration of Documents – Agreement of sale of land – Not compulsorily registrable –*

*Registration of Documents Ordinance* (*Cap.* 117), *s.* 8 (*T*).

**Editor’s Summary**

The appellant was ordered by the trial court specifically to perform a contract entered into by him for the sale of certain land. On appeal he contended that the contract of sale had not been registered and that

Presidential approval to the disposition had not been obtained.

**Held –**

(i) a contract of sale not itself intended to transfer right is not compulsorily registrable;

( ii) only the disposition of a right of occupancy, and not the contract to dispose, requires Presidential

consent.

Appeal dismissed.

**Cases referred to Judgment:**

(1) *Patterson v. Kanji* (1956), E.A.C.A. 106.

(2) *Patel v. Lawrenson*, [1957] E.A. 249.

(3) *Fazal Kassam* (*Mills*) *Ltd. v. Kassam*, [1960] E.A. 1042.