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LEGAL NEWS

4 September 2025



Court of Appeal Untangles a Riddle on Land Ownership by Non-Citizens in Tanzania

Recently, the Court of Appeal (the Court) delivered its Ruling following an application for revision filed by the Attorney General seeking to challenge the High Court's decision in Civil Case No. 1 of 2011 concerning the inheritance of landed property by non-citizen heirs of a deceased Tanzanian of Greek origin.

Background

The matter originated in 2006 after the death of Diana Arteris Ranger (née Anagnastou), a Tanzanian by naturalization, who died intestate leaving behind property in Upanga, Dar es Salaam. Her brother, Anastansious Anagnastou (a non-citizen), gave power of attorney to Emmanuel Marangakisi (1st respondent) to administer the estate. Disputes arose among heirs, leading to litigation. Eventually, the Administrator General (2nd respondent) was appointed to administer the estate. The High Court directed that the property be bequeathed to Anastansious notwithstanding his non-citizen status. The Attorney General, not a party to earlier proceedings, intervened later arguing that the judgment contravened Tanzanian land laws.

Arguments of the Parties

The Attorney General (Applicant) claimed serious irregularities in the High Court's decision, especially in the interpretation of section 20 of the Land Act, Cap 113, which prohibits non-citizens from owning land in Tanzania except for investment purposes. He also argued, that transmission of land to a non-citizen heir was unlawful and against the Constitution, the National Land Policy (1997), and land law principles. He maintained that the trial judge improperly treated inheritance as exempt from these restrictions.

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About ECRA Attorneys

ECRA Attorneys is a modern and full-fledged law firm based in Dar es Salaam, Tanzania. It is comprised of qualified legal hulks with professional experience of more than a decade in a range of areas of their expertise.

ECRA Attorneys offers professional services in various areas of the law ranging from Taxation (both tax litigation and tax advisory); Corporate; Employment; Immigration; Intellectual property; Litigation, Arbitration and Regulatory; Engineering, Procurement and Construction (EPCs-related Services); Banking and Project Finance, Real Estate; Capital Market and Securities; Oil and Gas, Mining Law; Competition Law; Telecommunications and ICT Law; Payment Systems Law; Insurance Law and International Trade Law and Financing.

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The Respondents (3rd & 4th heirs) contended that the Land Act does not prohibit bequeathing land to non-citizens, only new grants or allocations. They argued, that the property in question was acquired before the Land Act, and thus rights should be preserved under section 4(6) of the Land Act. They accused the Attorney General of collusion with the Administrator General and of failing to attach essential documents. They also maintained that, heirs have a right to inherit without interference from government.

Judgment

The Court identified the central issue as whether the right of occupancy in land can be transmitted to a non-citizen heir. It held that, transmission of land (inheritance) is a form of acquisition of occupancy rights, for doing so would defeat the intention of the National Land Policy which reserves land ownership to citizens, hence the Court insisted on interpreting the statute contextually. According to the Court, section 20(1) of the Land Act prohibits non-citizens from occupying or owning land except for investment purposes. In doing so, the Court referred to section 181 of the Land Act which provides that the Land Act applies to all land matters and in case of inconsistency with the provisions of other laws applicable to land, such other laws cease to apply to the extent of such inconsistency. This implies, as per the Ruling, that probate laws and other laws cannot prevail over the land Act when the matter is question is about land ownership in Tanzania. Thus, while Tanzanian citizens may inherit land, non-citizens cannot legally do so.

In the end, the Court allowed the Attorney General's application, quashed the High Court's judgment, and set aside the decree. It concluded that non-citizens cannot inherit landed property in Tanzania, as this would circumvent section 20 of the Land Act.

To read the Ruling [click here](#)

To read the full Judgment [click here](#)

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