



REPUBLIC OF KENYA



**Muchunu v Muriithi & 3 others (Miscellaneous Civil Application  
E200 of 2024) [2024] KEHC 16860 (KLR) (29 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 16860 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS CIVIL APPLICATION E200 OF 2024  
DO CHEPKWONY, J  
OCTOBER 29, 2024**

**BETWEEN**

**PAUL NJUGUNA MUCHUNU ..... APPLICANT**

**AND**

**JANE NYAMBURA MURIITHI ..... 1<sup>ST</sup> RESPONDENT**

**JAMES NGOIMA KAMUNGE ..... 2<sup>ND</sup> RESPONDENT**

**THE HONOURABLE ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**THE LAND REGISTRAR, KIAMBU ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. This matter is for mention for parties to confirm compliance of directions issued on 9<sup>th</sup> October, 2024. However, the Applicant and or his counsel are not in attendance and they have not sent any representation to explain their absence. Counsel for the Respondents, Mr. Mwangi is in attendance and has sought the application to be dismissed with costs since he had filed a Notice of Preliminary Objection dated 25<sup>th</sup> October, 2025 in response.
2. The applicant, vide a Notice of Motion application dated 27<sup>th</sup> September, 2024 has sought for orders that:-
  - a. Spent;
  - b. The Honourable Court be pleased to withdraw and transfer Kiambu Chief Magistrate's Court Environment and Land Case No.E024 of 2024 to Limuru Senior Principal Magistrate's Court for hearing and determination.
  - c. Costs of the application be borne by the Respondents.



3. The application is based on the grounds on its face and the Supporting Affidavit of Francis Mburu Machua, counsel for the Applicant.
4. The 2<sup>nd</sup> Respondent has opposed the application vide a Notice of Preliminary Objection dated 25<sup>th</sup> October, 2024 where he has raised the following grounds in objecting to the said application:-
  - a. That the Petition is totally defective and bad in law.
  - b. That this Honourable Court lacks the requisite jurisdiction to entertain this application reason being that the same offends Article 162(1)(b) of *the Constitution* of Kenya, 2010 and Section 13(1) and (2) of the *Environment and Land Court Act*, No.19 of 2011, which provisions require that matters relating to Environment and Land be heard by the Environment and Land Court.
  - c. That Kiambu Magistrate's Environment and Land Case No.E024 of 2024 was already withdrawn by the Applicant and as such this Honourable Court ought not to issue orders in respect of a non-existent suit.
5. The Applicant therefore seeks to have the application dated 27<sup>th</sup> September, 2024 struck out with costs to the 2<sup>nd</sup> Respondent.
6. Upon considering the nature of the suit sought to be transferred and the grounds upon which the same is opposed, this Court aligns itself with the sentiments of the 2<sup>nd</sup> Respondent in the Notice of Preliminary Objection that this court lacks the requisite jurisdiction to entertain the application as this would be offensive to the provision of Section 13(1) and (2) of the *Environment and Land Court Act*, No.19 of 2011 which gives effect to Article 162(2)(b) of *the Constitution* of Kenya, 2010 which established the Environment and Land Court with the original, supervisory and appellate jurisdiction to hear and determine disputes relating to the Environment, the use and occupation of and title to land.
7. This Court therefore proceeds to strike the Notice of Motion application dated 27<sup>th</sup> September, 2024 with costs to be 2<sup>nd</sup> Respondent.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 29<sup>TH</sup> DAY OF OCTOBER, 2024.**

**D. O. CHEPKWONY**

**JUDGE**

**In the presence of:-**

Mr. Mwangi counsel for 2<sup>nd</sup> Respondent

Court Assistant - Martin

