



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. MISC E045 OF 2020

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE CHIEF LAND REGISTRAR MINISTRY OF LANDS.....1<sup>ST</sup> RESPONDENT

THE ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT

EX PARTE:

FEIZAL SADRUDIN NURANI & FARAH SADRUDIN NURANI (As Administrators

of the Estate of the Late SADRUDIN SHAMSUDIN NURANI)

RULING

The Application

1. The *ex parte* Applicants herein have filed an application by way of a Chamber Summons dated 28<sup>th</sup> September 2020, seeking the following orders:

**1. THAT** the Applicants, Feizal Sadrudin Nurani and Farah Sadrudin Nurani (as administrators of the estate of the late Sadrudin Shamsudin Nurani) be granted leave to apply for an Order of Mandamus directed to the Respondents, The Chief Land Registrar, Ministry of Lands and The Hon. Attorney General to revoke the title issued to Glitter Venture Company Limited and regularize the title held by the Estate of Sadrudin Shamsudin Nurani and Ramesh Lali Aggarwal as per the directions of the National Land Commission dated 17th July 2017 vide Gazette Notice No. 6866.

**2. THAT** the costs of this application be in the cause.

2. It is evident that the *ex parte* Applicants are seeking orders in relation to the title of land in the said application. Any disputes and orders sought in relation to title, use and occupation of land now fall within the exclusive jurisdiction of the Environment and Land Court, pursuant to Articles 162(2) (b) and 165(5) of the Constitution, and section 13 of the Environment and Land Court Act.

3. This Court therefore has no jurisdiction to hear and determine the Chamber Summons dated 28<sup>th</sup> September 2020.

The Orders

4. In the premises I direct and order that this suit be and is hereby transferred to the Environment and Land Court at Nairobi for further

hearing and determination. The *ex parte* Applicants' Chamber Summons dated 28<sup>th</sup> September 2020 shall accordingly be placed before the **Duty Judge** at the **Environment and Land Court at Nairobi** on **12<sup>th</sup> October 2020**, for directions.

5. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the *ex parte* Applicants, and to the Deputy Registrar of the Environment and Land Court at Nairobi, by close of business on 5<sup>th</sup> October 2020.

6. Orders accordingly.

**DATED AND SIGNED AT NAIROBI THIS 30<sup>TH</sup> DAY OF SEPTEMBER 2020**

**P. NYAMWEYA**

**JUDGE**