



**Republic v District Land Registrar, Kajiado & another; Old Rhodian Holdings Limited & 5 others (Exparte Applicants) (Environment and Land Case Judicial Review Application E001 of 2025) [2025] KEELC 3518 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3518 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND CASE JUDICIAL REVIEW APPLICATION E001 OF 2025**

**MD MWANGI, J**

**APRIL 30, 2025**

**IN THE MATTER OF AN APPLICATION FOR FOR JUDICIAL  
REVIEW ORDERS OF CERTIORARI AND PROHIBITION**

**AND**

**IN THE MATTER OF ARTICLES 10, 47 AND  
232 OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF THE FAIR ADMINISTRATIVE ACTION ACT, 2015**

**AND**

**IN THE MATTER OF THE LAND REGISTRATION ACT, 2012**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**THE DISTRICT LAND REGISTRAR, KAJIADO ..... 1<sup>ST</sup> RESPONDENT**

**THE COUNTY SURVEYOR, KAJIADO COUNTY ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**OLD RHODIAN HOLDINGS LIMITED ..... EXPARTE APPLICANT**

**JONATHAN KIRISUA OIMUSHU ..... EXPARTE APPLICANT**

**SOILA OIMUSHU PARTTERU ..... EXPARTE APPLICANT**

**YIAMAITA OIMUSHU ..... EXPARTE APPLICANT**

**RICHARD MEOLI OIMUSHU ..... EXPARTE APPLICANT**



RULING

1. The premises of this ruling is that the court in the course of writing the judgment in this matter has upon considering the facts as presented by the Ex Applicants found it necessary to issue certain directions to enable a final and conclusive determination of the issues at hand. This is in exercise of the court's inherent jurisdiction to ensure the observance of the due process of the law.
2. Mativo J (as he then was) in the case of *Rana Auto Selections Limited & 2 others -vs- Kenya Revenue Authority and another* (2021) KEHC 323 KLR, quoted Jerold Taiz, in the book "*The inherent jurisdiction of the Supreme Court*", where he describes the inherent jurisdiction of the High Court as follows;

“...this latter jurisdiction should be seen as those (unwritten) powers, ancillary to its common law and statutory powers, without which the court would be unable to act with justice and good reason. The inherent powers of the court are quite separate and distinct from, its common law and its statutory powers e.g. in exercise of its inherent jurisdiction, the court may regulate its own procedure independently of the rules of the court.”
3. The basis of the judicial review application by the Ex Parte Applicants herein as explained on the face of it and in the supporting affidavit thereof is that the Respondents conducted a site visit on 30<sup>th</sup> August 2024 purportedly to determine a boundary dispute between parcels of land Kajiado/Kaputiei-North/16456, 12775, 12776 and 12777. The site visit according to the Ex Parte Applicants was conducted in the presence of the owners of the said parcels of land and county officials. The Ex Parte Applicants however, who describe themselves as the registered proprietors and beneficial owners of parcels of land known as Kajiado/Kaputiei-North/25692 and 25693, and who were adversely affected by the decision of the Respondents, were neither involved in the exercise nor in the process leading to the determination of the alleged boundary disputes. They therefore term the said decision as unlawful, unconstitutional, unprocedural and contrary to the provisions of the *Fair Administrative Action Act*. They are before this court seeking to quash the said decision.
4. The owners of the parcels the subject matter of the boundary dispute leading to the impugned decision have not been joined into these judicial review proceedings whose determination will definitely affect them one way or the other.
5. This court would be committing a similar oversight as the one the Ex Parte Applicants seek to remedy through these proceedings if it proceeds with this matter in the absence of the owners affected parcels of land. Consequently, the court considers it prudent and in the interest of justice to pause the delivery of the judgment in this matter and direct that all the owners of the affected parcels of land be joined into these proceedings as interested parties to give them an opportunity to respond to the application herein before a decision is made.
6. The court therefore arrests its judgement and orders the Ex Parte Applicants to amend their Notice of Motion dated 11<sup>th</sup> February 2025 and join the owners of the parcels of land No. Kajiado/Kaputiei-North/16456, 12775, 12776 and 12777 as interested parties and serve them appropriately in the next 21 days. Directions as to the hearing of the Motion shall be given upon confirmation of compliance with the above orders of the court.

It is so ordered.



**DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**M.D. MWANGI**

**JUDGE**

In the virtual presence of:

Ms. Kiplai for the Ex Parte Applicants

N/A by the Respondent

Court Assistant: Mpoye

