

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

ENVIRONMENT AND LAND COURT

ELC. NO. 235 OF 2014

JOEL NJOROGE NJENGA..... PLAINTIFF

VERSUS

JOHN K. MWICIGI..... DEFENDANT

RULING

The Notice of Motion dated 15th May 2014 seeks the court to issue an order to transfer CM. CC.5933 of 2008 from the Chief Magistrate's Court to the Environment and Land Court, Nairobi on grounds that the Chief Magistrate's court lacks jurisdiction to try or dispose that suit or grant the eviction order sought therein.

The application is not contested.

The question whether a Magistrate's Court has jurisdiction to hear Environment and Land Court matter has finally been laid to rest with the amendment of the **Environment and Land Court Act 2011** through the **statute law (Miscellaneous Amendment) Act 2015** conferring jurisdiction upon Magistrate's Court to preside over Environment And Land matters. Through the same legislation, the **Land Registration Act** and **the Land Act** have similarly been amended to allow subordinate courts to preside over Environment and Land matters.

In light of the foregoing, this application is dismissed and each party bears their own costs.

DELIVERED AND SIGNED AT NAIROBI THIS 29TH

DAY OF JANUARY 2016.

MARY M. GITUMBI

JUDGE