



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

JR. MISC. CIVIL APPLICATION NO. 2 OF 2014

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

AND

IN THE MATTER OF AN APPEAL TO THE MINISTER LAND APPEAL CASE NUMBER 125 OF
1991

JOHN KARANI KIBERENGE (DECEASED)

REPRESENTED BY TIMOTHY MUGO

KARANI APPELLANT

AGAINST

ITUGURA MUNYI REPRESENTED BY KITHAKA IKUTHUDEFENDANT

AND

IN THE MATTER OF MUTITU LAND ADJUDICATION SECTION

ITUGURA MUNYI REPRESENTED BY KITHAKA IKUTHI APPLICANT

VERSUS

MINISTER FOR LANDSRESPONDENT

AND

THE LAND REGISTRAR MBEERE DISTRICT 1ST INTERESTED
PARTIES

JOHN KARANI KIBERENGE (REPRESENTED BY

TIMOTHY MUGO KARANI 2ND INTERESTED PARTY

RULING

The applicant herein vide his Chamber summons filed on 14th January 2014 under Certificate of Urgency seeks leave to apply for an order of certiorari to quash the decision of the respondent in

Appeal Case No. 125 of 1991 depriving him of his property without reasonable cause. He further seeks leave to apply for an order of prohibition prohibiting the Land Registrar Mbeere District the 1st interested party herein from registering the disputed portions of land and that such leave do operate as a stay of the intended action by the said Land Registrar Mbeere District.

The application is supported by the ex-parte applicant's verifying affidavit and other annexures in which he has deponed, inter alia, that the respondent in his ruling dated 31st July 2013 in Appeal Case No. 125 of 1991 did not give any reasons or grounds for deviating from the ruling of the Committee Case No. 37/74-75.

I have considered the application, the submission by Kamunda advocate, the applicant's verifying affidavit and Statutory statement as well as the annexures herein.

I am satisfied from the material placed before me that ex-parte applicant has established sufficient reasons to warrant the granting of the orders sought in the said Chamber Summons. I grant the leave sought and further direct that the said leave shall operate as a stay of the decision of the said Land Registrar Mbeere District from registering the disputed portions of land to the 2nd interested party pending the hearing and determination of the substantive Notice of Motion which shall be filed within twenty one (21) days of the delivery of this ruling. I further direct that the said Notice of Motion be served on all persons/parties affected by it within 14 days of being filed.

Costs in the cause.

B.N. OLAO

JUDGE

31ST JANUARY, 2014

31/01/2014

Coram

B.N. Olao – Judge

CC – Mwangi

Mr. Ngari for Mr. Kamunda for Applicant - present

Respondent - absent (Ex-parte)

COURT: Ruling delivered in open Court this 31st January 2014.

Mr. Ngari for Mr. Kamunda for applicant present.

B.N. OLAO

JUDGE

31ST JANUARY, 2014