



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERUGOYA**

**JR. MISC. CIVIL APPLICATION NO. 1 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 120  
OF 1991**

**AND**

**IN THE MATTER OF COMMITTEE CASE NUMBER 32/74-75**

**JOHN KARANI KBERENGE (DECEASED) REPRESENTED BY TIMOTHY MUGO KARANI**

**AGAINST**

**KITHAKA IKUTHI**

**AND**

**IN THE MATTER OF MUTITU LAND ADJUDICATION SECTION**

**JOHN KARANI KIBERENGE (REPRESENTED BY**

**TIMOTHY MUGO KARANI .....APPLICANT**

**VERSUS**

**KITHAKA IKUTHI .....RESPONDENT**

**KITHAKA EKUTHI ..... APPLICANT**

**VERSUS**

**MINISTER FOR LANDS ..... RESPONDENT**

**AND**

**THE LAND REGISTRAR MBEERE DISTRICT ..... 1<sup>ST</sup> INTERESTED PARTIES**

**RULING**

The applicant herein has moved this Court by his Chamber Summons filed on 14<sup>th</sup> January 2014 under Certificate of urgency seeking leave to apply for an order of certiorari to quash the decision of the respondent in Appeal No. 120 of 1991 dated 31<sup>st</sup> July 2013 which deprived him of his property without a reasonable cause. He further seeks leave to apply for an order of prohibition prohibiting the Land Registrar Mbeere from registering the disputed portion of land and that such leave do operate as a stay of the intended action by the Land Registrar Mbeere.

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 did not give any reasons or grounds of deviating from the ruling of the Committee Case No. 32/74-75 made on 19<sup>th</sup> December 1980.

I have considered the application, the submissions by Mr. Kamunda advocate, the verifying affidavit of the applicant together with the annexures thereto and the Statutory statement.

I am satisfied from the material placed before me that the ex-parte applicant has established sufficient reason 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 2<sup>nd</sup> interested parties 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 affected by it within 14 days of the filing of the Notice of Motion.

Costs in the cause.

**B.N. OLAO**

**JUDGE**

**31<sup>ST</sup> 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 this 31<sup>st</sup> January 2014 in open Court

Mr. Ngari for Mr. Kamunda for applicant present.

**B.N. OLAO**

**JUDGE**

**31<sup>ST</sup> JANUARY, 2014**