



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT THIKA**

**JUDICIAL REVIEW NO. E002 OF 2022**

**REPUBLIC.....APPLICANT**

**VERSUS**

**CHIEF LAND REGISTRAR, NAIROBI.....RESPONDENT**

**NATIONAL LAND COMMISSION.....1ST INTERESTED PARTY**

**KIAMBU COUNTY GOVERNMENT..... 2ND INTERESTED PARTY**

**KIAMBU CLUB LIMITED.....EXPARTE APPLICANT**

**JUDGMENT**

1. The exparte applicant is a golf club running a golf course on **Land Reference Number 9037 (Original Number 1321/VI/1-2)**, located in Kiambu Town. The land measures approximately 75 acres. The applicant has held the land as a lessee for about seven decades. The last lease commenced on **1/4/1989** and is due to expire on **31/3/2022**.

2. Through a judicial review motion dated 9/3/2022, the exparte applicant contends that it seeks to renew the lease but the Chief Land Registrar has, for unknown reasons, failed to issue it with an official search. It further contends that the official search is one of the documents that the interested parties require in order to process the applicant’s application for renewal of the lease.

3. Owing to the urgency of the matter, I disposed the application for leave the same day the matter was placed before me under certificate of urgency. On the same day, I directed the exparte applicant to file and serve the substantive motion within 2 days. Further, I directed the exparte respondent to file and serve a response within two days of service.

4. When the motion ultimately came up for hearing on 16/3/2022, I directed the exparte applicant’s counsel to once more serve the respondent and the interested parties. The motion eventually came up for hearing before me this morning. There has, so far, been no response nor opposition to the motion. Put differently, the motion is unopposed.

5. Consequently, in the absence of any opposition to the notice of motion dated 9/3/2022, the court is satisfied that the exparte applicant has made out a proper case to warrant issuance of an order of mandamus compelling the Chief Land Registrar to issue the applicant with an official search within a time-frame to be spelt out in the disposal orders. Because the motion is unopposed, there will be no order as to costs.

6. In the end, the notice of motion dated 9/3/2022 is disposed through the following orders:

*a) An order of mandamus is hereby issued directing the Chief Land Registrar to issue the exparte applicant with an official search relating to Land Reference Number 9037 (Original Number 1321/VI/1-2) comprised in Grant Number IR 463, within one day of service of this order.*

*b) In default of (a) above, the National Land Commission, the County Government of Kiambu, the National Directorate of Land Administration, and any other body or person engaged in the processing of the renewal of the exparte applicant’s lease shall dispense with the requirement for an official search.*

*c) There shall be no order as to costs of this suit.*

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 21ST DAY OF MARCH 2022**

**B M EBOSO**

**JUDGE**

**In the Presence of: -**

Ms Ithondeka for the Applicant

Court Assistant: Lucy Muthoni