



REPUBLIC OF KENYA

High Court at Nakuru

Judicial Review 75 of 2011

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO INSTITUTE JUDICIAL REVIEW
PROCEEDINGS IN THE NATURE OF PROHIBITION**

AND

IN THE MATTER OF LAND DISPUTES TRIBUNAL, TRANSMARA EAST DISTRICT

AND

**IN THE MATTER OF THE LAW REFORM ACT
BETWEEN**

STANLEY KIPKURUI LANGAT A.K.A. PAUL KISANG LANGAT.....APPLICANT

AND

THE TRANSMARA EAST DISTRICT LAND DISPUTES TRIBUNAL....RESPONDENT

GABRIEL SOI.....INTERESTED PARTY

RULING

Pursuant to leave granted to him on 23rd June, 2011 the applicant brought a motion on 27th June, 2011 to prohibit the Transmara East District Land Dispute Tribunal from hearing and determining Land Dispute Case No.2 of 2011 between the interested party and the applicant, contending that the tribunal did not have jurisdiction to entertain the dispute and secondly that the case was *res judicator* Kisi HCCC No.80 of 2003.

At the stage of leave, the court directed that leave granted would operate as a stay of further proceedings by the tribunal in case No.2 of 2011. Parties filed submissions and sought a date for the ruling.

In the meantime, on 30th August, 2011 the Environment and Land Court was established by Act No.19 of 2011, the Environment and Land Court Act, 2011, which also repealed the Land Disputes Tribunal Act, No.18 of 1990. That effectively renders this application ineffective as the tribunal does not exist and cannot be prohibited.

All proceedings, including case No.2 of 2011 can now, by dint of **Section 30(1)** of the Environment and Land Court Act, be heard by the Environment and Land Court.

The application fails for that reason and is struck out. I award no costs.

Dated and Signed at Nakuru this 4th day of February, 2013.

**W. OUKO
JUDGE**

Dated, Signed and Delivered at Nakuru this 12th day of February, 2013 by Hon. Justice M.J. Anyara Emukule.

JUDGE