



**REPUBLIC OF KENYA**

**High Court at Embu**

**Miscellaneous Application 10 of 2013**

**IN THE MATTER OF THE APPLIATION FOR LEAVE TO APPLY FOR ORDERS OF  
CERTIORARI**

**AND**

**IN THE MATTER OF THE MINISTERS LAND APPEAL CASE NO. 1358 OF 1986 (MAVURIA  
ADJUDICATIN SECTION)**

**BETWEEN**

**JOSPHAT NJAGI NDARU (REPRESENTING IKANDI CLAN)**

**AND**

**SULEIMAN NJIRU CIARA (REPRESENTING RWANGONDI CLAN)**

**BETWEEN**

FRANCIS NJERU RUNJI..... 1ST APPLICANT

JOSPHAT NJAGI NDARU..... 2ND APPLICANT

JOSEPH NDARU MATHURI.....3RD APPLICANT

MEMBERS OF IKANDI CLAN..... 4TH APPLICANT

**VERSUS**

SULEIMAN NJIRU CIARA.....1ST RESPONDENT

FAUSTIN KITHAKA.....2ND RESPONDENT

MEMBERS OF RWANGODI CLAN.....3RD RESPONDENT

LAND ADJUDICATION OFFICER, MBEERE SOUTH.....4TH RESPONDENT

THE MINISTER FOR LANDS.....5TH RESPONDENT

THE HON. ATONEY GENERAL.....6TH RESPONDENT

### **RULING**

The applicant has brought this application (chamber summons) ex parte under Order 53 Rule 1 & 2 of the Civil Procedure Act for leave to file an application for an order of certiorari. And that the leave if granted operates as stay. The application is supported by the statement of facts, verifying affidavit and the proceedings complained of.

The decision complained of was made on 5/7/2012. This application was filed on 25/7/2012, a few days after the 6 months period. The issue herein involves several parcels of land so I would wish to allow the applicant to make his substantive application and the issue of time be argued then.

I therefore grant the leave sought as prayed. Prayer 2 of the application is also granted and limited to 90 days only. The substantive motion to be filed and served within 21 days.

The said motion to be filed and heard at Kerugoya Environment and Land Court.

File transferred accordingly.

**DELIVERED, DATED AND SIGNED AT EMBU THIS 16<sup>TH</sup> DAY OF APRIL 2013.**

**H.I. ONG'UDI**

**JUDGE**