



REPUBLIC OF KENYA

High Court at Machakos

Civil Miscellaneous Application 10 of 2011

REPUBLIC APPLICANT

VERSUS

THE LAND DISTRICT REGISTRAR, MACHAKOS DISTRICT RESPONDENT

1. LUKENYA RANCHING & FARMING CO-
OPERATIVE SOCIETY LTD

2. WILSO MUTUA MUTWETUMO

3. NANCY NZEMBI KAVITA

4. JOYCE NDUKU MUNYAO

5. TIMOTHY MUTISO PETER INTERESTED PARTIES

EX-PARTE HARRISON KING'OO
KALEI

RULING

The **Notice of Motion** dated 3/2/2011 seeks an order of *certiorari* to issue directed against the Respondent to quash the proceedings and decision of the Respondent to unilaterally sub-divide land parcel Title Number **Mavoko Town Block 3/2424** into two parcels and create therefrom **Mavoko Town Block 3/10277** which decision was communicated to the Applicant vide a letter dated 2/9/2010.

The hearing of the substantive motion herein is yet to commence.

The subject matter of the proceedings herein is land and ought to be heard by the **Environment and Land Court**.

Gazette Notice No. 16268 of 9/11/2012 states as follows:-

“IN EXERCISE of the powers conferred by the Sixth Schedule Part and in pursuance of section 30 (1) and (2) of the Environment and section 31 of the Act and section 5(1) and 2 (c) of the Judicial Service Act (No. 1 of 2011) the Chief Justice makes the following practice directions following the establishment of the Environment and Land Court.

1.

2.

3.

4. All cases relating to environment and the use and occupation of, and title to land which have hitherto been filed at the High Court and where hearing in relation thereto are yet to commence shall be transferred to the Environment and Land Court as directed by the Chief Registrar.”

This case therefore is transferred to the **Environment and Land Court.**

.....

B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this **30th** day of **May** 2013.

.....

B. THURANIRA JADEN

JUDGE