



REPUBLIC OF KENYA

High Court at Bungoma

Miscellaneous Civil Application 4 of 2012

REPUBLIC.....APPLICANT

V

CHAIRMAN KANDUYI LAND DISPUTES TRIBUNAL.. RESPONDENT

RULING

The exparte applicants have filed this substantive motion seeking orders of certiorari to quash the decision of the Kanduyi Land Disputes Tribunal case No. 7 of 2011 adopted as an order of the court on 27th October 2011 vide Chief Magistrate's court case No. 25 of 2011. The application is supported by an affidavit of Charles Juma Mukoya.

There are no documents filed in opposition either by the interested party or the respondent. The Attorney General was present when the hearing date was fixed. There is an affidavit of service filed showing the interested party was served with a hearing notice.

I have also read through the proceedings annexed of the Kanduyi Land Disputes Tribunal. I do agree with the exparte applicants that the Tribunal exceeded its jurisdiction handling matters that concerned sharing of a deceased estate. The interested party ought to have filed her claim either in the succession file or a suit in the high court.

The prayers sought in the motion dated 20th March 2012 is therefore allowed. I make no order as to costs.

RULING DATED, SIGNED, READ AND DELIVERED in open court this 28th day of May 2013.

A. OMOLLO

JUDGE.