



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ELC JR APPL NO. 14 OF 2013

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW BY
JAMES KIMATHI MUTHUI (as legal representatives of the estate of EUTYCHUS MUTHUI)
FOR LEAVE TO APPLY FOR JUDICIAL REVIEW ORDERS OF MANDAMUS

AND

IN THE MATTER OF THE LAW REFORM ACT CAP 26 OF THE LAWS OF KENYA

REPUBLIC.....APPLICA
NT

VERSUS

THE DISTRICT LAND REGISTRAR IMENTI NORTH
DISTRICT.....RESPONDENT

LINCOLN MUTHUI MUITA.....1ST INTERESTED
PARTY

LINCO STORES LTD.....2ND INTERESTED
PARTY

EX-PARTE: { JAMES KIMATHI MUTHUI (as legal representative of the estate of EUTYCUS MUTHUI) }

R U L I N G

The application herein is dated 29.5.2013 and was under a Certificate of Urgency. The provisions of the law it was premised upon were set out on the face of the Notice of Motion. It sought the following:

1. **An order of mandamus to compel the District Land Registrar, Imenti North District to produce all documents of transfer relating to Land Parcels No. NYAKI/KITHOKA/1529,**

1726, 1823, 1495, 460, NYAKI/GIAKI-KIBURINE/6 and MERU MUNICIPALITY BLOCK 11/28 for purposes of inspection by the applicant.

2. Costs of this application be provided for.

During the prosecution of the application Miss Mwangi, Inter alia, relied on the grounds supporting the application. She stated that the estate of the deceased (Eutyclus Muthui) comprised all the above parcels but they were allegedly transferred to the interested parties' names immediately prior to the death of the deceased. However, the applicant was unable to peruse the apposite transfer documents despite many attempts as the District Land Registrar, Imenti North District, was uncooperative. As a result the applicant was unable to proceed with High Court Civil Case No. 131 of 2011 without the said documents.

Mr. Kieti, representing the Respondent, for the Attorney General stated that he did not wish to oppose the application save that the costs should be in the cause.

In the circumstances it is ordered:

- 1. That prayer 1 of the application by the applicant dated 29th May, 2013 is hereby granted.**
- 2. Costs be in the cause.**

Delivered and Signed in open Court at Meru this 18th day of June, 2013.

P. M. NJOROGE

JUDGE