



REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT BUSIA.

MISC. APPLICATION NO. 1 OF 2013.

**IN THE MATTER OF AN APPLCIATION ALFRED EKETON IDISI AND
VINCENT EPALE ETYANG FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

ORDERS OF CERTIORARI.

AND

IN THE MATTER OF BUSIA PRINCIPAL MAGISTRATE'S COURT LAND.

DISPUTE TRIBUNAL CASE NO. 37 OF 2012.

AND

IN THE MATTER OF THE DECISION OF AMAGORO LAND DISPUTES

TRIBUNAL CASE NO. 02 OF 2011.

BETWEEN

**REPUBLIC
APPLICANT**

AND

THE CHAIRMAN

AMAGORO LAND DISPUTES TRIBUNAL.....RESPONDENT

ALFRED IDIDI EKETON IDIDI

VINCENT EPALE ETYANG.....APPLICANT

EX-PARTE

ISAAC BENARD OTOME ODUYA.....INTERESTED PARTY.

R U L I N G.

Alfred Ididi Eketon Ididi and Vincent Epale Etyang, hereinafter referred to 1st and 2nd Applicant, filed the Notice of Motion dated 3rd January, 2013 requesting for leave to apply for Judicial review of orders of certiorari in respect of Land Disputes Tribunal case No. 37 of 2012 and costs.

The Application is supported by the affidavit of Alfred Eketon Ididi sworn on 3rd January, 2013 to which is attached an order issued in Busia CMC Land case No. 37 of 2012. The order shows that the tribunal award was to the effect that Isaac Benard Otome Oduya, was the one entitled to use land parcels South Teso/ Amukura/1507 and 1500. The tribunal also directed the District Land Registrar to mark the boundaries to avoid further interference.

The court having considered the material presented by the applicants, even though the copy of the proceedings before the tribunal was not availed, finds that this is a suitable case where leave to file the substantive application should be granted. The application dated 3rd January, 2013 is therefore granted in the following terms.

1. That leave to file the substantive application is granted.
2. The substantive application be filed and served in 21 days.
3. Costs will be in the cause.

S. M. KIBUNJA,

JUDGE.

DATED AND DELIVERED ON 4TH DAY OF DECEMBER, 2013 AT BUSIA.