



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
MISC CIVIL APP. NO. 7 OF 2011

LEDAMA LELEI APPLICANT

VERSUS

CHAIRMAN

PROVINCIAL LAND DISPUTES COMMITTEE.....1ST RESPONDENT
THE SENIOR MAGISTRATE'S COURT, NAROK2ND RESPONDENT
EVALINE TUIYA3RD RESPONDENT

RULING

I have perused the Chamber Summons application dated February 2nd, 2011 seeking leave to apply for an order of certiorari to bring into this court for quashing the order dated 21st December, 2010 made by the Senior Resident Magistrate Court at Narok in Narok SPM Misc. Land Case No. 3 of 2010 pursuant to the award dated 14th September, 2010 made by the Provincial Land Disputes Committee. I have considered the submissions made by Advocate E.M. Orina on behalf of the Applicant and I am satisfied that the Applicant has shown sufficient grounds to justify the grant of the leave sought.

I accordingly grant the Applicant leave to apply for an order of certiorari as prayed for in prayer (a) of the said application. I also order that the leave herein granted shall operate as a stay of proceedings in Narok Senior Principal Magistrate Misc. Land Case No. 3 of 2010 or in proceedings connected or relating thereto or to the award dated 14th September, 2010 made by the 1st Respondent. This order for stay shall remain in force until the Motion to be filed herein is heard and determined or until further orders of this court. If no motion is filed as directed hereinafter, the order for stay shall lapse after the expiry of the period for filing the motion.

I further order pursuant to **Order 53 Rule 3** of the Civil Procedure Rules 2010 that the Applicant shall file the Notice of Motion within 14 days of the date hereof and shall serve the same on the Respondents and all such persons or bodies as may be affected by it within 21 days of filing. The Notice of Motion, if filed, shall be mentioned on 7th June, 2011 at 9.00a.m.

DATED at KERICHO this 16th day of February, 2011

G.B.M. KARIUKI, SC
RESIDENT JUDGE

COUNSEL APPEARING

Mr. Orina for the Applicant instructed by Messrs E.M. Orina & Company Advocates
Court Clerk – Mr. Koech