



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Judicial Review 34 of 2009

IN THE MATTER OF AN APPLICATION BY MONICA CHEPKORIR MAINA OF CERTIORARI & PROHIBITION

AND

IN THE MATTER OF NAKURU CMC LAND DISPUTE NO. 43 OF 2008

AND

IN THE MATTER OF REGISTERED LAND ACT CAP 300 LAWS OF KENYA

BETWEEN

REPUBLIC.....APPLICANT

AND

LAND DISPUTE TRIBUNAL NJORO.....RESPONDENT
AND GLADYS CHEPKEMOI MAINA.....INTERESTED PARTY

RULING

This is a judicial review application brought under **Order 53 Rule 3** of the **Civil Procedure Rules** and **Section 8** the **Law Reform Act**. It seeks an order of certiorari to bring to this court and quash the proceedings and decision of Njoro Land Dispute Tribunal (the Tribunal) made on 27th November 2008 on the grounds that no claim whatsoever capable of giving raise to an award was presented before it and that as the dispute related to registered land the Tribunal had no jurisdiction to entertain it.

Though served, neither the respondent nor the interested party filed any papers in opposition to the application.

Having perused the record I agree with Mrs Wanderi for the ex-parte applicant that the Tribunal had no jurisdiction to determine as it purported to do the issue of ownership of the property known as **Title Njoro/Ngata Block 5/108** and to order its subdivision into three portions. Consequently I allow this application and quash the Tribunal's decision of 27th November 2008. The application having not been opposed by the respondent or the interested party, I make no order as to costs.

DATED and delivered this 25th day of January, 2010.

D. K. MARAGA

JUDGE.