



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**OF KISII**  
**Miscellaneous Civil Application 77 of 2009**

**REPUBLIC.....APPLICANT**

**-VERSUS-**

**KIOGORO DIVISIONAL LAND DISPUTES TRIBUNAL.....RESPONDENT**

**AND**

**ANNAH KWAMBOKA NYASING'A.....INTERESTED PARTY**

**AND**

**JOEL OTOIGO NYASING'A.....EX-PARTE**

**RULING**

It is clear that under *section 9(3) of the Law Reform Act(Cap.26)* in the case of an application for an Order of Certiorari leave shall not be granted unless the application for leave is made within six months from the date of the decision that is sought to be quashed. (See *Ako.V.Special District Commissioner Kisumuand Another [1989] KLR 163*). The decision of the Kiogoro Divisional Land Disputes Tribunal that offended the applicant was made on 5/5/2006, and the application for leave filed on 8/7/2009. That was well outside the mandatory statutory period.

I agree with Mr. Mbicha for the respondent that the application is incompetent. The same is struck out with costs.

Dated, signed and delivered at Kisii this 20<sup>th</sup> day of January, 2010.

**A.O.MUCHELULE**  
**JUDGE**  
**20/1/2010**

Before A.O.Muchelule-J  
Court clerk-Bibu  
Mr. Ombui for Mr. Miyienda for Applicant  
**Court:** Ruling in open Court

**A.O.MUCHELULE**  
**JUDGE**  
**20/1/2010**