



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Judicial Review 88 of 2009

REPUBLIC.....APPLICANT

VERSUS

NYANDARUA NORTH (OL'JORO-OROK)

LAND DISPUTES TRIBUNAL.....1ST RESPONDENT
CENTRAL PROVINCIAL LAND

APPEALS TRIBUNAL, NYERI.....3RD RESPONDENT

AND

PATRICK NDUNGU'U WAMHUGU.....EX-PARTE

RULING

In his Notice of Motion dated 4th August 2009 and brought under **Sections 8 and 9** of the **Law Reform Act** as well as **Order 53 Rules 3, 4 and 7** of the **Civil Procedure Rules**, **Patrick Ndungu Wambugu**, the Ex-parte applicant (the Applicant) seeks an order of certiorari to bring to this court and quash the decisions of Nyandarua North (Ol'joro-orok) Land Disputes Tribunal (the Tribunal) and the Nyeri Provincial Land Appeals Committee (the Committee) arising from **Tribunal Case No. 007 of 2008** on the ground that both the Tribunal and the Committee had no jurisdiction to entertain the matter. It is submitted on behalf of the Applicant that the dispute before both the Tribunal and the Committee related to ownership of land with both of them had no jurisdiction to determine.

On behalf of the 3rd Respondent, it is submitted that the dispute was over occupation of the suit pieces of land and not ownership.

The Committee's decision on the matter was this:-

“Having perused through all the relevant documents and having listened to both parties, the Nyandarua District Surveyor should combine plot NO. Ol'joro-orok Salient/12711,12712 and 12713 and have them re-surveyed such that the appellant get (sic) his right share of two plots and respondent Teresiah Wanja Ngari get (sic) a plot at the area where she has developed.”

Having perused the record and the above decision, I agree with counsel for the Applicant that this was clearly a dispute was over ownership and not mere occupation of land as contended by counsel for the 3rd Respondent. Both the Tribunal and the Committee had therefore no jurisdiction to entertain the matter. Consequently I allow this application. An order of certiorari shall issue to quash both the Tribunal and the Committee's decisions in the matter. The Applicant shall have the costs of this

application against the 3rd Respondent.

DATED and DELIVERED at Nakuru this 12th day of May 2010.

D. K. MARAGA

JUDGE.