



REPUBLIC OF KENYA



**Iragu v Kabata (Environment and Land Case Civil Suit  
E001 of 2024) [2025] KEELC 3302 (KLR) (2 April 2025) (Judgment)**

Neutral citation: [2025] KEELC 3302 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYANDARUA  
ENVIRONMENT AND LAND CASE CIVIL SUIT E001 OF 2024**

**JM KAMAU, J**

**APRIL 2, 2025**

**BETWEEN**

**SAMUEL NJOROGE IRAGU ..... PLAINTIFF**

**AND**

**AYUB MUTHAMA KABATA ..... RESPONDENT**

**JUDGMENT**

1. In this undefended Suit, the Applicant sought judgment for:
  - a. A declaration that the Applicant has become entitled to be registered as proprietor of Land Parcel Number NyandaruaGeta2286 by dint of the doctrine of adverse possession.
  - b. An order that the Deputy Registrar of this Honourable Court be authorized to execute all necessary documents to facilitate registration of the Applicant as the absolute properties of the said Land parcel Number Nyandarua Geta. 2286.
  - c. Costs of the suit.
2. The grounds upon which he predicted his suit is that on or about 1911999 the Applicant purchased the suit premises which was then known as plot No. 1 Kagongo Trading Centre from the Respondent at a consideration of Kshs. 60,000= Plot No. 1 Kagongo Trading Centre was registered in the name of the Respondent on 8111999 by the then County Council of Nyandarua. He did pay the agreed consideration in full and took vacant possession of the suit premises.
3. The transaction became null and void for want of consent by the Land Control Board under section 6 of the *Land Control Act*.
4. The Applicant says that he has remained in possession of the parcel of land to date and has developed the same substantially. He also says he has been in actual, continuous, exclusive and notorious occupation of the suit property without the Respondent's permission for a period of over twelve (12)



years and has therefore acquired Title by adverse possession. All these averments are continued in the Applicant's Affidavit in

support of his originating summons sworn on the 512024 and also on the body of the said summons which he adopted together with his written statement of even date as his evidence in chief when he testified on oath in court on the 1922025.

5. Having been given possession of the suit premises by the registered owner the Applicant had the permission of the owner. But as soon as the registered owner refused to apply for consent of the Land Control Board under Section 6 of the *Land Control Act*, the owner's permission indeed terminated. The registered owner was aware that the Applicant was on the suit premises all along. The said owner (Respondent) never disturbed the Applicant's quiet possession for a period of over 12 years from 8111999 to the time of filing this suit on 812024. To buttress his case, the Applicant has produced an allotment letter dated 2731991 and certificate of Search to show that the Respondent was indeed the allottee and registered owner of Nyandarua Geta 2286 which had been allocated to him as plot No. 1 Kagongo Trading Centre.
6. The Applicant has consequently proved on a balance of probability that he has acquired adverse possession over Nyandarua Geta 2286.
7. I therefore grant the Applicant judgment in terms of prayers 1 and 2 of the Originating Summons dated 512024.

**JUDGMENT DATED, SIGNED AND DELIVERED AT NYANDARUA THIS 2ND DAY OF APRIL 2025.**

**MUGO KAMAU**

**JUDGE**

