



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU
Misc. Appli. 9 of 2007**

KIRIA NGOROI.....APPLICANT

AND

PETER KARUTHI GAKUTHI

CHAIRMAN EMBU.....1ST RESPONDENT

LAND DISPUTES TRIBUNAL.....2ND RESPONDENT

CHIEF MAGISTRATE EMBU.....3RD RESPONDENT

RULING

The applicant has filed Notice of Motion seeking to quash the decision of Embu District Land Disputes Tribunal and subsequent decree issued by the Trial Magistrate.

The grounds are set out in the application that the Tribunal acted without jurisdiction where the land is a first Registration under Registered Land Act.

I have read the application and statement and verifying affidavit. I have also heard submission by both counsels Section 3 (1) of Land Dispute Tribunal Act 18/1990 limits the jurisdiction of the tribunal to matters stated under 3 (1) (a) (b) and (c).

There is no power to interfere with the ownership of the proprietor whose title is guaranteed under that Act 300 Section 27 & 28.

In the circumstances the application is allowed and orders granted as prayed.

Dated this 25th April, 2008.

J. N. KHAMINWA

JUDGE

25/4/2008

Khaminwa – Judge

Njue – Clerk

Mr. Mutahi and Mr. Muraguri HB

Read in open court.

J. N. KHAMINWA

JUDGE