



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT EMBU**

**Misc Appli 188 of 2006**

**REPUBLIC.....APPLICANT**

**VERSUS**

**THE CHAIRMAN CENTRAL DISPUTES TRIBUNAL.....1<sup>ST</sup> RESPONDENT**

**KERUGOYA SENIOR RESIDENT MAGISTRATE'S COURT.....2<sup>ND</sup> RESPONDENT**

**JOSPHAT NDEGE NDABURU.....3<sup>RD</sup> RESPONDENT**

**JEREMIAH NGONDI KIUNDU.....EXPARTE**

**RULING**

Notice of Motion dated 11/1/2007 seeks order of certiorari to bring up and quash Land Disputes Tribunal Central award entered as Judgment in **Resident Magistrate's Court at Kirinyaga Land Disputes Tribunal No. 104 of 2006.** The award was contrary to Section 3 (1) Act 18/1990 and the Tribunal Acted without jurisdiction. On her part the state counsel conceded the application on the ground that Section 3 (1) is clear on the powers granted to the Tribunal Mr. Momanyi acting for interested party submitted that the applicant had not demonstrated that the title was his. And also affidavit verifying the statement is defective.

Upon hearing submissions by all three counsel and upon reading the application. I am satisfied that this court ought to grant orders sought. The tribunal shall pay the costs of the applicant and Interested Party.

Dated this 7<sup>th</sup> April, 2008.

**J. N. KHAMINWA**

**JUDGE**

**7/4/2008**

**Khaminwa – Judge**

**Njue- Clerk**

**Mr. Magee**

**Mr. Mutahi**

Read in open court.

**J. N. KHAMINWA**

**JUDGE**