

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

Misc. Appli. 30 of 2007

REPUBLICAPPLICANT

VERSUS

CENTRAL DIVISION LAND DISPUTE

TRIBUNAL KIRINYAGA AND 3 OTHERS.....RESPONDENT

MAGONGU KAMANDA.....INTERESTED PARTY

RULING

Notice of Motion dated 27/3/2007 seeks orders of certiorari to quash the award of Kerugoya Central Division Land Dispute Tribunal and subsequent order of Resident Magistrate made on 21/2/2007 adopting the award as a Judgment decree of the court.

The proceedings in the Tribunal leading to the award shows that both parties are agreed that the land Inoi/Keriko/1139 be subdivided and shared into two shares. Magongu Kamanda to take ½ (one half) and the other under Anthony Karimi Murigu to take ½ acre.

I have perused the record and I find although the grounds set forth are the non compliance of section 3 (1) and 13 (3) of Act 18/1990 the order was entered on the admission of the parties and there was no argument about the issues of trust and fraud.

This court upholds the award of tribunal and this Judicial Review. Application is dismissed.

Dated this 6th May, 2008.

J. N. KHAMINWA

JUDGE