

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU

Misc Appli 160 of 2007

REPUBLICAPPLICANT

VERSUS

THE CHAIRMAN MWEA DIVISION LDT.....1ST RESPONDENT

GRACE WANGUI MWANGI.....2ND RESPONDENT

JUDGMENT

By Notice of Motion Exparte Application Mugo Kagiri seeks orders of Certiorari to quash the award of Mwea Land Disputes Tribunal over a village plot at Kanaro attached to Rice Holding No.337 Mahigaini village and the decree that resulted after adoption of the award as decree of court in Wang'uru Resident Magistrate's Court. The statutory statement shows the grounds upon which the orders are sought mainly that the Tribunal had no jurisdiction to make the award and the decree was therefore null and void. Documents filed on 2/12/2005 are the proceedings of the Tribunal. It is clear from the proceedings that the land in dispute is attached to a Rice Holding. It is not a Rice Holding. It is also clear that the plot in dispute is not registered in favour of anyone under the land Regulation law reads Registered Land Act Cap. 300.

It is for disputes such as these that Land Disputes Tribunal Act was enacted. There is no proof that the land in dispute was under the Irrigation Board.

I therefore find that the decision of the Tribunal was made within the Tribunals jurisdiction. I dismiss the application.

No order as to costs as the interested party acted for himself

Orders accordingly.

Dated this 31st January, 2007.

J. N. KHAMINWA

JUDGE

31/1/2007

Khaminwa- Judge

Njue- Clerk

Ms. Thungu for Applicant.

Judgment read in open court in their presence.

J. N. KHAMINWA

JUDGE