



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Appeal 570 of 2002**

**MARGARET MUTHONI KIRUNYU ..... APPELLANT**

**VERSUS**

**KONAN NYASAI OLE KINYANJUI ..... RESPONDENT**

**(An Appeal from the Award of Rift Valley Provincial Land Disputes Appeal Tribunal dated 17<sup>th</sup> September, 2002 in Case No. 10 of 2002)**

**JUDGMENT**

On 17<sup>th</sup> September, 2002, the Rift Valley Provincial Land Disputes Appeals Tribunal (hereinafter “the Appeals Tribunal”) upheld the decision of the District Land Disputes Tribunal (hereinafter “the District Tribunal”) and ordered the transfer of the suit land, Kajiado/Kisaju/56, to the Respondent.

The suit land is registered under the Registered Land Act (RLA) in the name of the Appellant’s late husband, and was so registered at the time of the dispute before both the above Tribunals.

The Appellant has now come before this Court, by way of an appeal against the decision of the Appeals Tribunal, to set aside the said Award, principally on the ground that this being registered land under RLA, the Tribunals had no jurisdiction to deal with the same under the Land Disputes Tribunals Act, 1990. I agree with the Appellant’s Counsel, Mr. Kahiga, that that is indeed the correct position in law.

Section 3(1) of that Act sets out the jurisdiction of the Tribunals as follows:

***“(a) The determination of boundaries to land including land held in common.***

***(b) Claim to occupy or work on land or***

***(c) Trespass to land.”***

There is no provision donating any powers to the Appeals Tribunal and the District Tribunal to hear and determine disputes relating to ownership of land and in particular title to land.

Both the tribunals acted ultra vires the statute, and their Awards are a nullity.

**Accordingly, I allow this appeal, and set aside the Awards of both the Tribunals, with costs to the Appellant.**

Dated and delivered at Nairobi this 22<sup>nd</sup> day of January, 2007.

**ALNASHIR VISRAM**

**JUDGE**