



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

Civil Case 46 of 2007

1. Land and Environmental Law Division
 2. Subject of main file: Judicial Review
 - i) Land Disputes Tribunal Cherangani Division Kitale.
 - ii) LR Milimani settlement scheme No.528.
 - iii) Land awarded to interested party on dates not mentioned adopted to court Kitale.
 - iv) Senior Principal Magistrates court Case 31/07 on 31 July 2007.
- Decree issued not mentioned.
3. Leave to file and commence Judicial Review proceeding for certiorari and mandamus dated 23 October 2007.
 4. Held:
 - i) Leave granted for certiorari only
 - ii) Notice of motion be filed within 21 days
 - iii) Service of notice of motion be 8 clear between service and the hearing date.
 5. Case law – Nil
 6. Advocate

E. Cheligent of Edwin K. Chelugot & Co. Advocates for the plaintiff/exparte/applicant

**IN THE MATTER OF AN APPLICATION FOR ORDERS OF CERTIORARI
IN THE MATTER OF THE REGISTERED LAND ACT CAP 300 LAWS OF KENYA
E MATTER OF THE LAND DISPUTES TRIBUNAL ACT**

NO. 18 OF 1986

BETWEEN

REPUBLIC.....
.....APPLICANT

VERSUS

THE CHAIRMAN CHERANGANI DIVISION LAND DISPTUES TRIBUNAL.....1ST
RESPONDENT

THE ATTORNEY GENERAL2ND
RESPONDENT

ELIZABETH CHERUTICH TIROP.....INTERESTED
PARTY

EXPARTE/APPLICANT.....JOSEPH
CHERUTICH

RULING

I: Leave to commence Judicial Review Proceeding

1. The Land Disputes Tribunal of Cherangani Division Kitale heard a land dispute brought to them by Joseph Cherutich I do not have any details contained in the statements of the proceeding and therefore an unable to know how they came to this decision.

2. The fact though is that one Elizabeth Cherutich Tirop was allocated land LR Milimani Settlement Scheme 528.

3. The government had acquired land in Chebara to construct a dam. All person affected including the applicant were relocated. The applicant was allocated together with the family members to LR the Milimani settlement since 528 and 529. The tribunal is said to have taken 528 and given it to Elizabeth Cherutich Tirop.

4. I have been now told that the tribunal had no jurisdiction to do this.

5. I require more information on this matter namely the decree, or proceeding of the tribunal to know how and or whether Elizabeth Cherutich Tirop was allocated the land by the tribunal.?

6. This matter will be mentioned on 21 November 2007 at 9.00 a.m.

Dated this 20th day of November 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

E. Cheligent of Edwin K. Cheluget & Co. Advocate s for the plaintiff/exparte/applicant

Editorial note

Application withdrawn by applicant