



REPUBLIC OF KENYA

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

Misc Appli 45 of 2007

1. Land and Environmental Law Division

2. Subject of main file: Judicial Review

i) LAND DISPUTES TRIBUNAL KIPLOMBE DIVISION ELDORET

ii) LR Chemalal Settlement Scheme plots 117,118,59,59,59,120.

iii) Land awarded to interested party

7 April 2007 adopted to court Eldoret Chief Magistrates Court case 21/07. Decree issued 7 June 2007.

3. Leave to file and commence Judicial Review proceeding for certiorari and mandamus dated 22 October 2001.

4. Held:

i) Leave granted for certiorari only

ii) Notice of motion filed within 21 days.

iii) Service be 8 days clear to the hearing of the notice of motion.

iv) Costs in the cause.

5. Case law – Nil

6. Advocate:

E. Chelaget of Edwin K. Chelinget & Co. Advocates for the plaintiff/exparte applicant - present

IN THE MATTER OF THE REGISTERED LAND ACT CAP.300 LAWS OF KENYA

N THE MATTER OF THE LAND DISPUTES TRIBUNAL ACT NO. 18 OF 1990

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE CHAIRMAN KIPLOMBE DIVISION.....1ST RESPONDENT

LAND DISPUTES TRIBUNAL..... 2ND RESPONDENT

THE ATTORNEY GENERALINTERESTED PARTY

EXPARTE/APPLICANTKIBORA A. LELMENGIT

**BISHOP THOMAS KOGO, LUCIA SAKHAKHA, KIPSEREM SIMON TOO, RAEL
CHEPSONGOK,ZECHARIA KIPKEMOI CHERUIYOT, DAVID KIPRUGUT A. LEL and
SIMON K. BUSIENE**

RULING

I Leave to commence judicial Review Proceeding

1. The land disputes tribunal of Kiplombe Division, Eldoret heard a land dispute brought to them by Rashid Kiprugut Too. They awarded and declared that 75 acres of the suit belongs to him. The award made on 7 April 2007 was adopted as the award of the court on 8 May 2007 and a decree issued on 7 June 2007.
2. The applicants, seven in number, applied to this High Court of Kenya on 23 October 2007 for leave to commence Judicial review proceedings by the application of 22 October 2007.
3. They sought orders of certiorari and Mandamus on grounds that the tribunal lacked jurisdictions to determine the said case.

II: Finding

4. The court herein grants the application for leave only to file proceeding of Judicial review for orders of certiorari only. The orders for mandamus – no leave is granted for this.
5. That leave be and is hereby granted to commence Judicial Review proceeding by the applicants. They are to file a notice of motion within 21 days of this ruling for leave. That there must be eight clear days between the date of hearing and the date the application by way of notion is served.

Dated this 20th day of November 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

E. Cheluget of Edwin K. Chelunget & Co. Advocates for the plaintiff/exparte applicant - present