

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT EMBU

Misc 12 of 2006

M'CHABARA M'UKABI.....
.....APPLICANT

VERSUS

THE CHAIRMAN MERU SOUTH DISTRICT LAND DISPUTE TRIBUNAL.....
....RESPONDENT

JUDGMENT

Notice of Motion dated 23/2/2006 seeks Orders of Certiorari to quash the decision of Meru South District Land Dispute Tribunal.

The application is brought under Law Reform Act Section 8 and 9 and Order 53 CPC. The subject matter is registered **Land Karingani/ Ndagani/655**. The decision of the tribunal was that he said land be subdivided and be distributed to the sons of the Exparte Applicant. The issue here is whether the Tribunal Land Jurisdiction to deal with the Exparte applicant i registered land and ownership thereof Registered Land under Registered Land Act Cap. 300 is held by proprietor whose title is guaranteed by the state. The dealings in registered land are in the hands of the registered proprietor. Act 18 of 1990 which established Land Disputes Tribunal does not authorize the Tribunal to decide on the issue of ownership of registered land.

I therefore find that the decision by Land Disputes Tribunal was without jurisdiction and the application is allowed and orders granted as prayed.

Dated 27th September, 2006.

J. N. KHAMINWA

JUDGE