



**Republic v Land Adjudication Officer Tigania Districts; Ikiao (Interested Party)
(Judicial Review 40 of 2011) [2022] KEELC 15364 (KLR) (14 December 2022) (Ruling)**

Neutral citation: [2022] KEELC 15364 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
JUDICIAL REVIEW 40 OF 2011**

CK NZILI, J

DECEMBER 14, 2022

**IN THE MATTER OF AN APPLICATION BY M'AMURU STEPHEN AND MBERIA
M'RIMBERE FOR ORDERS OF CERTIORARI AND PROHIBITION AND IN THE MATTER
OF SECTIONS 8 AND 9 OF THE LAW REFORM ACT CAP 26 LAWS OF KENYA AND IN THE
MATTER OF SECTION 26 OF THE LAND CONSOLIDATION, CAP 283 LAWS OF KENYA**

BETWEEN

REPUBLIC APPLICANT

AND

LAND ADJUDICATION OFFICER TIGANIA DISTRICTS RESPONDENT

AND

TIMOTHY KIRIMI IKIAO INTERESTED PARTY

RULING

1. The court by an application dated August 20, 2020 is asked to interpret the judgment delivered on May 23, 2018 since Objection No 2841 in respect of Parcel No's 1464 and 2266 within Antuamburi adjudication section has not been heard afresh in accordance with the law. The application is based on grounds on its face and a supporting affidavit of Timothy Kirimi Ikiao sworn on August 27, 2020. The grounds are that the court's judgment quashed the objection proceedings and decision but left the parties in limbo without directions on the way forward.
2. Faced with a similar application in *Republic vs Public Service Commission of Kenya and 22 others exparte Julius Odol Noberts & 27 others (2013) eKLR*, the court held that there was nothing to interpret in the judgment of MK Ibrahim J as he then was, who had made a finding that the Public Service Commission had no jurisdiction to retire the applicants. The trial court issued orders of *certiorari* quashing the decisions. The court cited with approval *KNEC vs Republic (exparte) Geoffrey Gatbenji Njoroge & 9 others Nairobi Civil Appeal No 266 of 1996* on the proposition that an order of *certiorari* obliterated



the decision returning the parties to the position in which they were before the impugned decision was made.

3. The court held that the application was meant to delay the implementation of its decision and that the applicants should have implemented the decision or taken the appropriate steps availed to them by the law. The court dismissed the application.
4. In the present application, Mwangi Njoroge J pronounced himself on the objection proceedings and the impugned decision. He found the proceedings and the decision unsustainable in law and vacated it. In my view there is nothing for this court to interpret for the decision speaks for itself.
5. The parties herein know the implications of the quashing of the proceedings and the decision for they are ably represented by counsels who know or are deemed to know the law. Nothing was left in limbo or unclear by the trial courts.
6. The upshot is that the application lacks merits. The same is dismissed with costs.

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS THIS 14TH DAY OF
DECEMBER, 2022**

In presence of:

C/A: Kananu

Mr. Mwendwa for applicant

HON. C.K. NZILI

ELC JUDGE

