

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
Misc Civ Appli 284 of 2005
IN THE MATTER OF AN APPLICATION BY JAMES MUCHUGU MITI FOR
AN ORDER OF CERTIORARI

REPUBLIC.....APPLICANT
VERSUS
NYANDARUA DISTRICT LAND DISPUTES TRIBUNAL.....RESPONDENT
AND
MACHARIA NJOROGE.....INTERESTED PARTY
EX-PARTE: JAMES MUCHUGU MITI.....APPLICANT

RULING

The application has been brought through Notice of Motion under **Order LIII Rule 3** of the Civil Procedure Rules and Section 8 and 9 of the Law Reform Act, Cap. 26, Laws of Kenya.

The Same seeks an Order of Certiorari to issue to remove to this Honourable Court the proceedings and Award of the Nyandarua District Land Disputes Tribunal in **Case No. 18 of 2004** and arrived at on the 18th February, 2005 for purposes of quashing the same.

It is apparent that though the respondents were duly served, they never appeared in Court. Secondly, the Applicant has filed several annextures that include – the Title Deed, the proceedings in the Tribunal and leave that was granted by Hon. Justice Musinga. Unfortunately, the Respondents have **not** opposed nor challenged the above.

In view of the above, I hereby grant the Application in terms of Prayer No. 1. Costs to the Applicant in any event.

MUGA APONDI
JUDGE

Ruling read, signed and delivered in open Court in the presence of Mr. Ndegwa Wahome for Applicant.

MUGA APONDI
JUDGE
12TH JULY, 2005