REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
Civil Appeal 557 of 1999
ISAAC WAWERU MWANGI ……. APPLICANT
VERSUS
NDUNGU MWANGI)
CHEGE MWANGI) ……..….. RESPONDENTS
EDWARD KAMAU MWANGI)

(An Appeal from the award of the Central Province Land Disputes

Appeal Tribunal in Land Appeal Maragua No. 18 of 1998
delivered on 10th November, 1999).
JUDGMENT

This is an appeal from the award of the Central Province Land Disputes Tribunal ("The Tribunal") which awarded a portion of the Appellant's land Loc 3/Mukuria 774 (hereinafter "the suit land") to the Respondents.

The Appellant says that he is the registered owner of the suit land, as per the title deed annexed in the Record of Appeal, and that the Tribunal had no jurisdiction to deal with registered land.

The jurisdiction of the Tribunal to deal with land registered under the Registered Land Act (Cap 300) is found in Section 159 of that Act. That jurisdiction is limited by Section 3 (1) of Act No. 18 of 1990 which provides for cases which may be heard and determined by the Tribunal.

These are cases of a civil nature involving a dispute as to:

boundaries to land, including land held in common;

(c) trespass to land".

These are the only powers which the Tribunal has power to deal with. Act NO. 18 of 1990 does not confer upon the Tribunal to interfere with the interest of a registered proprietor whose title is protected by Sections 27 and 28 of Cap 300.

I, therefore, allow this appeal with costs, and set aside the decision of the Tribunal dated 10th November, 1999 and all other orders incidental to and related therewith.

Dated and delivered at Nairobi this 8th day of August, 2005.

ALNASHIR VISRAM

JUDGE