



Chepokel v National Land Commission & 5 others (Environmental and Land Originating Summons E011 of 2024) [2025] KEELC 4114 (KLR) (23 May 2025) (Ruling)

Neutral citation: [2025] KEELC 4114 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E011 OF 2024**

**A OMBWAYO, J
MAY 23, 2025**

BETWEEN

PARIKEN OLE CHEPOKEL APPLICANT

AND

THE NATIONAL LAND COMMISSION 1ST RESPONDENT

STATE LAW OFFICE & 4 OTHERS & 4 OTHERS & 4 OTHERS 2ND RESPONDENT

RULING

1. There are two applications before me. The first application is dated 29th October 2024 seeking orders that the respondents, their agents, servants, employees, or any other person acting under their instructions be restrained from entering, occupying, alienating, or in any other manner whatsoever interfering with the Applicant’s possession, occupation, and use of the land measuring Five Hundred Acres excised from Land Reference Number 8669/3 Mau Narok situated in Nakuru County along the Nakuru-Narok Highway measuring approximately Four Thousand Two Hundred and Ninety-Two Acres pending the hearing and determination of this suit. That this Honorable Court be pleased to grant any other orders and/or directions as it may deem fit and just to grant. Lastly that the costs of this application be provided for. The application is based on the grounds that the applicant has been at all material times in lawful continuous and uninterrupted occupation and possession of the 500-acre parcel land since the year 1976. On or about the 1st of August 1967, the Applicant herein was appointed as a herdsman and general security person at G. Class Kenya farming, a company that owned all that land known as Land Reference Number 8669/3 Mau Narok situated in Nakuru County along the Nakuru-Narok Highway measuring approximately Four Thousand Two Hundred and Ninety-Two Acres.
2. The applicant worked diligently on the suit property until the year 1976 when the owner and director G. Class Kenya Farming, one Mr. Ethel Dicksee Cobb handed over the title to the suit property to



- the Settlement Fund Trustees before relocating to his home country. Mr. Ethel intended the land to allocate to the applicant and his fellow employees.
3. Upon Mr. Cobb's departure, the then Minister of State in the Office of the President, Honourable Peter Mbiyu Koinange forcefully took over the farmhouse and a portion of the land, claiming ownership of the entire farm.
 4. The respondents have in the past 15 years sought to evict the Applicant through threats and harassment, including involvement of the Directorate of Criminal Investigation (DCI). The Respondents' actions threaten to unjustly and unlawfully dispossess the Applicant of the land he has
 5. rightfully occupied and developed over the years. The Applicant stands to suffer irreparable harm, loss, and damage if the orders sought are not granted. No prejudice whatsoever will be occasioned on the Respondent if this Honorable Court allows this Application.
 6. Unless the application is certified as urgent, heard and an order of this Honorable Court do issue restraining the Respondents, their agents, servants, employees, or any other person acting under their instructions from entering, occupying, alienating, or in any other manner whatsoever interfering with the Applicant's possession, occupation, and use of the land measuring Five Hundred acres excised from Land Reference Number 866/3 Mau Narok situated in Nakuru County along the Nakuru-Narok Highway measuring approximately Four Thousand Two Hundred and Ninety-Two Acres, the applicant will suffer substantial loss. The application is supported by the affidavit of Pariken Ole Chepokel that reiterates the grounds of the application.
 7. The 2nd application is dated 4th February 2025 wherein the 1st respondent is the applicant. She seeks orders that this court stays the implication of the orders dated 6th November 2024 that were granted pursuant to the application dated 29th October 2024. The Court made directions that the orders to be heard together and ruling to be made on both applications. The gist of both applications is the contention on the occupation of the land by the applicant in the originating Summons.
 8. The applicant contends that he is in occupation and has been farming on 500 acres of the land whereas the 1st respondent denies the allegation that the applicant is in possession of 500 acres of the suit property. According to the 1st respondent, the applicant is trying to get into the land using the application.
 9. There is evidence of deadly confrontation between the parties as shown in the photos annexed in the second application. It appears that the applicant's and the 1st respondent's agents engaged in a fight on the property which resulted to injuries.
 10. I have considered both applications and I am satisfied that the applicant in the originating summons is in possession of part of the land but it is not clear how and when he came into occupation. The facts can only be known during hearing. The acreage of the portion the applicant is in possession is not known. This court finds no error in the orders made on 6th November 2024. The court further observes that this matter is scheduled for hearing in July 2025 and therefore parties should put a greater effort in the substantive hearing. I do decline to grant the orders discharging or varying the orders dated 6th November 2024 and extended on 4th February 2025 in the application dated 29th October 2024. The application dated 14th February 2025 is declined. Since this matter was consolidated with other related matters and is not the lead file and has a hearing date On 10th July 2025, I do order that the status quo be maintained pending hearing and determination. Orders accordingly.

SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO



**THE JUDICIARY OF KENYA. NAKURU ENVIRONMENT AND LAND COURT
ENVIRONMENT AND LAND COURT**

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THE JUDICIARY OF KENYA

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