



**Seroney v Land Registrar, Kapsabet Lands Office & another;  
Silverland Limited (Interested Party) (Environment & Land Petition  
E005 of 2024) [2025] KEELC 491 (KLR) (10 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 491 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND PETITION E005 OF 2024  
GMA ONGONDO, J  
FEBRUARY 10, 2025  
IN THE MATTER OF LR.NO. NANDI/CHEKUMIA/502  
IN THE MATTER OF AN ILLEGAL REVOCATION OF TITLE**

**AND**

**IN THE MATTER OF VIOLATION AND THREATENED VIOLATION  
OF FUNDAMENTAL RIGHTS AND FREEDOMS UNDER (INTER ALIA)  
ARTICLES 10,27,28,29,40,47,64 OF THE CONSTITUTION OF KENYA 2010.**

**AND**

**IN THE MATTER OF BREACH OF NATURAL JUSTICE**

**BETWEEN**

**ZIPPORAH JEBICHI SERONEY ..... PETITIONER**

**AND**

**THE LAND REGISTRAR, KAPSABET LANDS OFFICE ..... 1<sup>ST</sup> RESPONDENT**

**THE INSPECTOR GENERAL OF POLICE ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**SILVERLAND LIMITED ..... INTERESTED PARTY**

**RULING**

1. By a Notice of motion dated 29<sup>th</sup> November 2024, the petitioner/applicant, Ziporrah Jebichi Seroney through Chege and Sang Advocates is seeking the following principal orders;



- a. That the Honourable Court be pleased to issue a Conservatory Order restraining the 1<sup>st</sup> Respondent from implementing the Revocation of the title issued favor of the Interested Party pending the Hearing and determination of this of this Petition.
  - b. That, an Order of status quo be issued as to the state of affairs existing in so far as the registration of LR Number/Chekumia/502 (The suit land) in name of Silverland Limited prior to revocation by the 1<sup>st</sup> Respondent.
2. Briefly, the applicant laments that she executed a transfer pursuant to a sale of land transaction in favour of the interested party over the suit land. That the 1<sup>st</sup> respondent arbitrarily cancelled the interested party's title without any legal justification. That unless the decision of the 1<sup>st</sup> respondent's is stayed, the petitioner will suffer an injustice, hardship and prejudice as the true ownership status of the said parcel of land will be misconstrued.
  3. Mr Kiplangat learned counsel for the interested party has told the court that the interested party has no opposition to the application in the spirit of *Lis Pendens* over the suit land.
  4. On that account, is the application meritorious?
  5. The applicant has sought a conservatory order and it is a relief which this court may grant under Article 23 (3) of *the Constitution* of Kenya 2010.
  6. It is trite law that *Lis pendens* doctrine is meant to preserve the property in dispute pending the outcome or termination of a case; see *Ogada-vs-Mollin* (2009) KLR.
  7. This court has the mandate to grant interim preservation orders under Section 13 of the *Environment and Land Court Act*, 2015 (2011).
  8. In the circumstances, the instant application is firm and meritorious.
  9. *A fortiori*, the application is hereby allowed in terms of prayers 4 and 5 therein as set out in paragraph 1 (a) and (b) hereinabove.
  10. Costs of the application to abide the outcome of the petition.
  11. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 10<sup>TH</sup> DAY OF FEBRUARY 2025**

**HON. G. M. A ONGONDO**

**JUDGE**

**PRESENT**

Mr. Sang learned counsel for the petitioner

Mr. Kiplangat learned counsel for the interested party

Walter, court assistant

