



**Nthenge v Oloilunya; County Surveyor, Kajiado County & another
(Interested Parties) (Environment and Land Miscellaneous Application
E020 of 2024) [2025] KEELC 3694 (KLR) (5 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3694 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E020 OF 2024
LC KOMINGOI, J
MAY 5, 2025**

BETWEEN

FAITH JAMILA NTHENGE APPLICANT

AND

KANDEI OLE KATET OLOILUNYA RESPONDENT

AND

COUNTY SURVEYOR, KAJIADO COUNTY INTERESTED PARTY

COUNTY LAND REGISTRAR, KAJIADO COUNTY INTERESTED PARTY

***(IN THE MATTER OF AN APPLICATION FOR ENFORCEMENT OF THE RULING/ORDER
OF THE REGISTRAR UNDER SECTION 22 OF THE LAND REGISTRATION ACT, 2012)***

RULING

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1. The Notice of Motion dated 3rd April 2024, sought orders that the registered area for land parcel No. Kajiado/Dalalekutuk/2XX4 be amended to tally with the Registry Index Map and the Area List.
 2. In response, the 1st Respondent filed the Preliminary Objection dated 4th October 2024. The gist of the Preliminary Objection is the manner in which the proceedings were commenced.
 3. On the 7th October 2024, the Court directed that the Preliminary Objection be canvassed by way of written submissions.
 4. I have considered the grounds of the Preliminary Objection, the rival submissions and the authorities cited. The issue for determination is whether the Preliminary Objection is merited.



5. I agree with the Applicant's submissions that she is not seeking new reliefs and/or remedies but the enforcement of the decision of the Land Registrar made under Section 19 of the *Land Registration Act*.
6. I find that the input of the Land Registrar is required for the determination of the boundaries. It is the input of the land surveyor that is required to be able to guide the Land Registrar. In the case of *Azzuri Properties VS Pink Properties Ltd* [2018] eKLR, the Court of Appeal held that Courts have no jurisdiction to entertain boundary disputes in the first instance and that parties are bound to follow the statutory mechanism for resolution.
7. I have looked at the prayers in the Notice of Motion and I find that they are merely to give effect to the decision of the Land Registrar. There is no evidence that there is an appeal against the said decision.
8. I find no merit in the Preliminary Objection and the same is dismissed with no orders as to costs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 5TH DAY OF MAY 2025.

L.KOMINGOI

JUDGE

