



**Macharia v Ranji (Environmental and Land Originating Summons
E005 of 2024) [2025] KEELC 5160 (KLR) (10 July 2025) (Judgment)**

Neutral citation: [2025] KEELC 5160 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E005 OF 2024**

A OMBWAYO, J

JULY 10, 2025

BETWEEN

JOSEPH S MACHARIA PLAINTIFF

AND

STEPHEN KIBUIKA RANJI DEFENDANT

JUDGMENT

1. Joseph S Macharia hereinafter referred to as plaintiff has come to court against Stephen Kibuika Ranji seeking orders that this Honorable court be pleased to issue a Declaration that the Plaintiff has been in occupation of the land parcel No.Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 Hectares lawfully, peacefully and uninterrupted for Eighteen (18) years.
2. He prays that this Honorable court be pleased to issue a Declaration that the Plaintiff is entitled to the whole parcel of land comprised of Mau NarokSiapei Block +246 (Mukugungu) measuring 0.045 registered in the name of the Defendant herein by virtue of the Plaintiff being in adverse possession of the same land in open, quiet and peaceful occupation for a period of Eighteen (18) years.
3. Further that this Honorable court be pleased to order the cancellation and/or revocation of the title of the land parcel Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 registered in the name of the Defendant.
4. Ultimately, that this Honorable court be pleased to order the rectification of register in respect to land parcel Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 to reflect the name of the Plaintiff and title to issue thereafter. The costs of this summons be in the cause.
5. In the supporting affidavit the plaintiff states that he purchased the suit property sometimes in the year 2006 from the defendant at a price of Ksh225,000/= (Two Hundred And Twenty Five Thousand Shillings) which he paid in full. After the purchase, he was issued with the Mother Title as he waited for the transfer process to be completed. After the sale and purchase of the land, the defendant disappeared



- and he is yet to see him until this day. While he was waiting for the transfer to be completed, the mother title got misplaced and/or lost and he reported the same to the police where he was issued with a police abstract.
6. On 8th February 2023 it was announced in the local dailies, the Nation and Standard Newspapers that the title had been lost. Prior to this announcement, he had obtained a letter from the area chief on 7th February 2023 indicating that he had lost the title. He has always been in possession of the suit property since he purchased it up to date and there has been no interference. To the best of his knowledge he is aware that when one occupies a parcel of land parcel for a continuous period of 12 years without any interruption, the person can claim for ownership of the land by virtue of adverse possession.
 7. Having occupied the subject land parcel for an uninterrupted period of Eighteen (18) years, he qualifies to be declared as the owner of the land parcel Mau NarokSiapei Block 4246 (Mukugungu). He seeks to be declared as the owner of the land parcel Mau NarokSiapei Block 4246 (Mukugungu) and a cancellation of the title of the said land in the name of the Defendant and I be registered as the owner of the same.
 8. When the matter came up for hearing plaintiff as PWI stated under oath that he purchased the land parcel known as Mau Narok/Siapei Block 4/246 from the defendant sometimes in the year 2006 at a price of Ksh225,000/- (two hundred and twenty-five thousand shillings only). That as security, the defendant provided him with the mother title to the suit property upon the two of them agreeing that the official transfer would be completed later on. However, he later lost the title deed and reported the same to the area chief as well as the police.
 9. He was allowed to develop the suit property as he waited for an agreeable time to conduct the transfer. Sometime later, he tried to trace the defendant to complete the transfer but he has failed to and/or ignored to facilitate the transfer of the property.
 10. That he has been in peaceful and open occupation of the suit property for the last eighteen years with no interference from any parties. He prays that the defendant be compelled to sign the necessary documents to effect transfer so that he can get an official document showing he is the owner of the property. In default, the court executive to sign the necessary documents on his behalf and in the alternative, the court may make a declaration that he is the rightful owner of the property by way of adverse possession.
 11. The defendant did not reply to the Originating Summons despite being served. The evidence by the plaintiff is not controverted.
 12. I do find that the plaintiff has proved his case on a balance of probabilities and I do issue a declaration that the Plaintiff has been in occupation of the land parcel No.Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 Hectares lawfully, peacefully and uninterrupted for Eighteen (18) years.
 13. Moreover, I do issue a Declaration that the Plaintiff is entitled to the whole parcel of land comprised of Mau NarokSiapei Block +246 (Mukugungu) measuring 0.045 registered in the name of the Defendant herein by virtue of the Plaintiff being in adverse possession of the same land in open, quiet and peaceful occupation for a period of Eighteen (18) years.
 14. This Honorable court is pleased to order the cancellation and/or revocation of the title of the land parcel Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 registered in the name of the Defendant.



15. This Honorable court orders the rectification of register in respect to land parcel Mau NarokSiapei Block 4246 (Mukugungu) measuring 0.045 to reflect the name of the Plaintiff and title to issue thereafter.

HON. JUSTICE ANTONY O. OMBWAYO

NAKURU ENVIRONMENT AND LAND COURT

2025-07-10

