



**Republic v District Land Registrar, Kajiado & another; Kilisio (Exparte Applicant); National Land Commission & 4 others (Interested Parties) (Environment and Land Judicial Review Miscellaneous Application E010 of 2021) [2024] KEELC 13509 (KLR) (4 December 2024) (Ruling)**

Neutral citation: [2024] KEELC 13509 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND JUDICIAL REVIEW  
MISCELLANEOUS APPLICATION E010 OF 2021**

**MN GICHERU, J**

**DECEMBER 4, 2024**

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO INSTITUTE  
JUDICIAL REVIEW PROCEEDINGS IN THE NATURE OF MANDAMUS  
BY JOSEPH KIPLANGAT KILISIO AGAINST THE DISTRICT LAND  
REGISTRAR KAJIADO AND THE DISTRICT SURVEYOR KAJIADO**

**AND**

**IN THE MATTER OF ARTICLES 10, 23, 27, 48 AND  
50 OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF LAND PARCEL NO. KAJIADO/KISAJU/70**

**AND**

**IN THE MATTER OF LAND PARCEL NO. KAJIADO/KISAJU/68,72 AND 76**

**AND**

**IN THE MATTER OF SECTIONS 18 AND 19 OF THE  
LAND REGISTRATION ACT, CAP 300 LAWS OF KENYA**

**AND**

**IN THE MATTER OF SECTIONS 9 OF THE LAW REFORM ACT, CAP 26,  
LAWS OF KENYA AND ORDER 53 OF THE CIVIL PROCEDURE RULES**

**BETWEEN**

**THE REPUBLIC ..... APPLICANT**

**AND**

**THE DISTRICT LAND REGISTRAR, KAJIADO ..... 1<sup>ST</sup> RESPONDENT**



THE DISTRICT SURVEYOR, KAJIADO ..... 2<sup>ND</sup> RESPONDENT

AND

JOSEPH KIPLANGAR KILISIO ..... EXPARTE APPLICANT

AND

THE NATIONAL LAND COMMISSION ..... INTERESTED PARTY

THE KENYA RURAL ROADS AUTHORITY ..... INTERESTED PARTY

CLEAR RESOURCES LIMITED ..... INTERESTED PARTY

WILSON OLOYIENDE NTAYIA ..... INTERESTED PARTY

EDWARD GITAU NTAYIA ..... INTERESTED PARTY

### RULING

1. On 18/11/2024, counsel for the 3<sup>rd</sup> interested party urged the court to dismiss this suit for going against the consent of 21/2/2022.
2. In the consent of 21/2/2022 it was recorded as follows:

“By consent case referred to the Land Registrar for determination.”
3. On 26/6/2024, the court directed the applicant to appear on 5/11/2024 to prove that he has a cause of action triable by this court. For some reason the case was not mentioned on 5/11/2024 but it came up before court on 7/11/2024 where the 3<sup>rd</sup> interested party was directed to serve. When the case came up on 18/11/2024 only former counsel for the applicant, Mr. Oyori turned up. The current counsel, Mr. Koyoko did not appear even though he had been only served.
4. The applicant has been given sufficient time to prove that this suit is properly before the court and he has failed to do so. Since the dispute relates to boundaries of registered land, this court has no jurisdiction to entertain it as per the ruling of 26/6/2024. I need not restate what I said in the said ruling. I strike out the suit with costs to the respondents and interested parties under Section 18 (2) of the Land Registration Act and Regulation 40 (6) of the Land Registration (General) Regulations, 2017.

It is so ordered.

**DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 4<sup>TH</sup> DAY OF DECEMBER 2024.**

**M.N. GICHERU**

**JUDGE**

