



Lekasi v Ntulariek & 4 others; Land Registrar, Kajiado (Interested Party) (Environment and Land Miscellaneous Application E014 of 2022) [2023] KEELC 17370 (KLR) (10 May 2023) (Ruling)

Neutral citation: [2023] KEELC 17370 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E014 OF 2022
MN GICHERU, J
MAY 10, 2023**

BETWEEN

SIMON KINYUA LEKASI APPLICANT

AND

KINYANJUI SEKENTO NTULUARIEK 1ST RESPONDENT

BENSON SEKENTO NTULUARIEK 2ND RESPONDENT

WILLIAM SEKENTO NTULUARIEK 3RD RESPONDENT

CHARLES KULALE 4TH RESPONDENT

REUBEN MEMUSI 5TH RESPONDENT

AND

THE LAND REGISTRAR, KAJIADO INTERESTED PARTY

RULING

1. This ruling is on the Notice of Motion dated 29/3/2022. The motion which is brought under Sections 3 of the [Environment and Land Court Act](#), 18 and 19 of the Land Court Act, 18 and 19 of the [Land Registration Act](#), Order 51, Civil Procedure Rules, Sections 1A, 1B, 3A and 63 of the [Civil Procedure Act](#) and all other enabling provisions of the law seeks two prayers namely-
 - a. The OCS Kajiado Police Station to offer sufficient security and oversees the implementation by the Land Registrar and District Surveyor of the Land Registrar’s ruling in respect of the boundary dispute between parcel numbers Kajiado/Dalalekutuk/46, 1031, 1032 and 1033 delivered on 12/10/2020.
 - b. The costs of this application be awarded to the Applicant.



2. The motion is supported by an affidavit sworn by the Applicant Simeon Kinyua Lekasi which has nine annexures and five grounds. The gist of the above material is that the Applicant is the registered owner of L.R. Kajiado/Dalalekutuk/46. A long standing boundary dispute was resolved by the Land Registrar on 12/10/2020. The dispute was between the Applicant's land parcel and the adjacent parcels which are numbers 1031, 1032 and 1033 owned by the Respondents.
3. The Respondents have objected to the implementation of the ruling and there cannot be peace unless the OCS provides security.

It is for the above reasons that the Applicant seeks the court's intervention.

4. The motion is opposed by the fourth Respondent who has sworn a replying affidavit dated 14/10/2022 in which he deposes that he has filed an application seeking an extension of time within which to file an appeal against the decision of the Land Registrar.
5. I have carefully considered the application in its entirety including the affidavits, the annexures and the grounds. I find that the application has merit for two reasons.

Firstly, the application seeking to file an appeal out of time has been dismissed for reasons given in that ruling dated 19/4/2023. The application having been dismissed, there is nothing standing in the way of the Land Registrar's decision.

6. Secondly, there is sufficient evidence to show that the Respondents have resisted the implementation of the Registrar's decision. This is in form of the Applicant's affidavit and the Land Registrar's ruling dated 10/12/2020. The Respondents have no lawful reason to resist the implementation of the decision.

For the above stated reasons, I allow the applicant's notice of motion dated 29/3/2022.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 10TH DAY OF MAY, 2023.

M.N. GICHERU

JUDGE

