



**Bamboo Twist Limited v National Land Commission & others
(Petition 3 of 2020) [2022] KEELC 3166 (KLR) (7 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 3166 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA
PETITION 3 OF 2020**

M SILA, J

JUNE 7, 2022

BETWEEN

BAMBOO TWIST LIMITED PETITIONER

AND

NATIONAL LAND COMMISSION & OTHERS RESPONDENT

RULING

1. This court issued notice to the petitioner to show cause why this suit should not be struck out for being a duplication of the issues raised in the suits Mombasa ELC No.40 of 2015 and Mombasa ELC No. 178 of 2014. Pursuant to the said notice, an affidavit sworn by Brian Borona, counsel on record for the petitioner, was filed. He has explained that this suit is different from the other two suits in that this suit is mainly challenging the decision of the 1st respondent (National Land Commission) which revoked the petitioner's titles to the land parcels No. MN/V/1128 – 1132 through a Gazette Notice of 17 July 2017.
2. I have considered the explanation and I accept it. I have seen that the other two suits, Mombasa ELC No. 40 of 2015 and No. 178 of 2014, relate to an ownership dispute that the petitioner has with another entity. The Gazette Notice of 17 July 2017 was published when the two suits were ongoing. I appreciate that the petitioner was entitled to move court to seek to quash this Gazette Notice, only that there are various other prayers in the petition that also seek declaration of ownership of the land, which may be misplaced, given that there is already an ongoing ownership dispute. But that is a bridge to be crossed later.
3. For now, I am moved not to dismiss this petition for I have been persuaded that it was filed purposely to challenge the Gazette Notice 17 July 2017.

DATED AND DELIVERED THIS 7TH DAY OF JUNE 2022.

JUSTICE MUNYAO SILA



**JUDGE, ENVIRONMENT AND LAND COURT
AT MOMBASA**

