



Republic v District Land Registrar, Kwale & 2 others; Holiday Resports Development Company Limited (Exparte Applicant) (Judicial Review Miscellaneous Application E033 of 2025) [2025] KEHC 1696 (KLR) (Judicial Review) (11 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1696 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E033 OF 2025
RE ABURILI, J
FEBRUARY 11, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

THE DISTRICT LAND REGISTRAR, KWALE 1ST RESPONDENT

CHIEF REGISTRAR 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

AND

HOLIDAY RESPORTS DEVELOPMENT COMPANY LIMITED EXPARTE APPLICANT

RULING

1. I have considered the Chamber Summons dated 10/2/2025 filed under certificate of urgency. I have also considered the documents annexed thereto in support, the statutory statement of facts and the verifying affidavit.
2. I find no urgency disclosed as the decisions being challenged were made in August 2024.
3. I decline to certify the application as urgent.
4. On the application itself, I have observed that the same is brought under the [Land Registration Act](#) and [Land Act](#) and that the prayers sought are those that are ordinarily sought and granted by the Environment and Land Court. I have brought this jurisdictional issue to the attention of the Advocate for the exparte applicant who requests that the issue be canvassed inter partes.



5. Accordingly, I direct the exparte applicant to serve the Respondents and all other parties affected or likely to be affected by the decision that this court may make more particularly, Donald Ndawiro Masanju and the administrators of the estate of Asha S. Nassar namely; Nassir Salmin Omar, Ah Omar Salmin and Salma Sammin Omar for inter partes consideration of the issue of jurisdiction of this court before any other direction can be given by the court.
6. Service shall be effected within 21 days of today.
7. Hearing on the question of jurisdiction shall be on 12/3/2025.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF FEBRUARY, 2025

R.E. ABURILI

JUDGE

