

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

ELC MISC APPLICATION NO. 9 OF 2021

NJUNGE NJENGA.....APPLICANT

VERSUS

THE COUNTY LAND REGISTRAR TRANS NZOIA COUNTY..RESPONDENT

RULING

1. The application dated **9/6/2021** and filed in court on the same date has been bought under **Sections 1A, 1B, 3, & 3A** of the **Civil Procedure Act**. The applicant seeks the following orders:-

1. ...spent

2. That this the Land Registrar Trans Nzoia County to amend/rectify Trans Nzoia /Kimila /56 area list in respect of plot no 92 in the following respects:

1. The name of the owner- Njunge to read two names Njunge Njenga as per ID No 6580923.

2. The applicant's ID No to be indicated as 6580923.

3. That the costs be in the cause.

2. At the beginning of these proceedings this court ordered that the County Land Registrar Trans Nzoia be served through the Attorney General's Office Eldoret. An affidavit of service was filed but no response to the application was filed on behalf of the Registrar. This court has now enjoined in these proceedings the County Land Registrar as a respondent even though no response was filed on his behalf after the applicant, who is in person, served the his office.

3. The instant application is supported by the affidavit sworn on **9/6/2021** by the applicant. The grounds upon which the application is made are that the applicant is the legal owner of all that parcel of land known as **Trans Nzoia/Kimila /56 plot number 92** within Trans Nzoia County; that he bought the land in **1987** under a group called Kimila; that after survey was conducted on the land only one of his names was indicated on the area list instead of the applicant's two names and ID card Number; that when all members were allocated land according to the area list and each member was satisfied, *the group was dissolved* hence the application.

4. I have considered the application and the annexures thereto and especially the area list and the Copy of the Chief's letter dated **8/6/2021**. I have no reason to believe that the applicant who has been identified by the area Chief in her letter is not telling the truth. I am persuaded that it is by error that only one of the applicant's names was included in the area list instead of both names. As the application is unopposed, I grant it in terms of **prayers Nos (2) (a) and (2) (b)** thereof.

5. I also direct that **no order shall be extracted** by the court registry in respect of this ruling unless and until the applicant files an affidavit of service sworn by a licensed court process server showing that he has served a copy of this ruling on both the Chief, Milimani Location and the County Land Registrar, Trans Nzoia and both those offices shall formally acknowledge service.

It is so ordered.

DATED, SIGNED AND DELIVERED AT KITALE VIA ELECTRONIC MAIL ON THIS 5TH DAY OF AUGUST, 2021.

MWANGI NJOROGE

JUDGE, ELC, KITALE.