



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

JUDICIAL REVIEW APPLICATION CASE NO. 14 OF 2021

IN THE MATTER OF AN APPLICATION BY SHADRACK KIRIMI JOHN FOR LEAVE TO APPLY FOR THE ORDER OF CERTIORARI

AND

IN THE MATTER OF SECTION 8 AND 9 OF THE LAW REFORM ACT CAP 26 LAWS OF KENYA

AND

IN THE MATTER OF LAND PARCELS NO'S 4181 AND NO. 2413 KARAMA ADJUDICATION SECTION AND IN THE MATTER OF OBJECTION NO. 2698 AND 2699

AND

IN THE MATTER OF SECTION 26 OF LAND CONSOLIDATION ACT CAP 283 LAWS OF KENYA

SHADRACK KIRIMI JOHN..... APPLICANT

VERSUS

LAND ADJUDICATION OFFICER

TIGANIA DISTRICT..... 1ST RESPONDENT

THE ATTORNEY GENERAL 2ND RESPONDENT

JULIUS KAUGIRIA MUTIRA INTERESTED PARTY

RULING

1. By a chamber summons brought under **Order 53 Rule 1** of the **Civil Procedure Rules**, the exparte applicant seeks leave to commence judicial review proceedings for orders of certiorari to remove to this court and quash the 1st respondent's decision made on **22.11.2016** in objection No's **2698 and 2699** for **Parcel No. 481 and 2413 Karama Adjudication Section**.
2. It is also prayed, the leave once granted to act as a stay any of further proceedings or and implementation of the aforesaid decision.
3. The application is supported by a statement of facts dated **27.8.2021** and an affidavit by **Shadrack Kirimi John** sworn on **27.8.2021**. Attached to the verifying affidavit is a consent to sue dated **4.8.2021** by the **Land Adjudication and Settlement Officer Tigania East**.
4. **Section 9 of the Law Reform Act** requires an application seeking for certiorari be made within 6 months after the decision was made. **Order 53 Rule 2** of the **Civil Procedure Rules** stipulates that an application for judicial review orders of certiorari must be brought within 6 months from the date of the decision.
5. In **Nyaga -vs- Republic (1990) eKLR 291** the court took the view a court is prohibited from granting leave after expiration of six months of the decision under **Section 9 (3)** of the **Law Reform Act** as the law gives no discretion to enlarge that time.

6. In Wilson Oslo –vs- John Ojiambo Ochola & Another (1996) eKLR the Court of Appeal held that **Order 53 Rule 2** is derived verbatim from **Section 9 (3)** of the **Law Reform Act** hence it is mandatory terms.

7. In the premises I find this court lacks jurisdiction to grant leave as the action is statute barred. The chamber summons herein is dismissed with costs.

8. File closed.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT MERU THIS 17TH DAY OF NOVEMBER, 2021

In presence of:

Kimathi for the respondents

Orimbo for applicant

Court Assistant - Kananu

HON. C.K. NZILI

ELC JUDGE