

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCC MISC APPLICATION. NO. E011 OF 2020

WILLIAM MATHEKA MWOLOLO APPLICANT

-VERSUS-

JAMES IKUMBU NGULUIRESPONDENT

DIRECTIONS

1. This matter having been placed before me in an application dated 5/10/2020 and this court having ordered that the application proceed by way of written submissions, and the said written submissions having been served, it is noted before delivery of ruling that this is a matter relating to ownership, occupation and use of land.

2. In this regard, under Article 162(2) of the Constitution of Kenya 2010, the jurisdiction on land matters is reserved for the Environment and Land Court, in terms of Article 162(2), which provides as follows -

162(2) Parliament shall establish courts with the status of the High Court to hear and determine disputes relating to

a) Employment and labour relations, and

b) The environment and the use and occupation of, and title to, land”

3. This High Court therefore having no jurisdiction in this land matter, cannot prepare and deliver a ruling, as the proceedings and the ruling therein will be a mistrial.

4. In the interests of justice to all parties involved therefore, I transmit this file to the Environment and Land Court Judge at Makueni for directions and further progress.

5. I thus order that the Deputy Registrar of this court to forthwith place this file before the Environment and Land Court – Judge at Makueni for mention and directions.

Delivered, Signed & dated this 1st day of December, 2021 in open court at Makueni.

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George Dulu

Judge