



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

MERU ELC JUDICIAL REVIEW CASE NO. 163 OF 2006

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW ORDERS

OF CERTIORARI/PROHIBITION AGAINST THE MERU CENTRAL

DISTRICT LAND DISPUTES TRIBUNAL ABOTHUGUCHI AND

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

IN THE MATTER OF THE REGISTERED LAND ACT CAP 300 LAWS OF KENYA AND

IN THE MATTER OF MERU CENTRAL LAND DISPUTE TRIBUNAL CASE NO. 98 OF 2005 AND

IN THE MATTER OF LAND PARCEL NO. ABOTHUGUCHI/MAKANDUNE/107 AND

IN THE MATTER OF MERU CMC L.D.T. NO. 19 OF 2006 AND

IN THE MATTER OF THE LAND DISPUTES TRIBUNAL ACT NO. 18/90

REPUBLIC.....APPLICANT

VERSUS

THE DISTRICT COMMISSIONER (AS CHAIRMAN MERU CENTRAL

LAND DISPUTE TRIBUNAL).....1ST RESPONDENT

LAND DISPUTES TRIBUNAL ABOTHUGUCHI DIVISION..2ND RESPONDENT

MARGARET MARETE.....INTERESTED PARTY

EX-PARTE.....MWITAITI MUGWIKI

RULING

1. This application is dated **28th February, 2020** and seeks orders:

1. That the dismissal order of 20.1.2020 be set aside.

2. That the court do make any other order as would meet the interest of justice in this case.

2. The application is supported by the affidavit of Advocate B.G. Kariuki and has the following grounds:

i. That the applicant had complied with the court order of 22.2.2019.

ii. That the court was not apprised of the act of compliance.

iii. That the applicant will suffer irreparable damages if the order is not set aside.

3. During ex-parte hearing on 10th March, 2020 at Chuka advocate Mbumbuya holding brief for advocate B.G. Kariuki for the applicant told the court that she sought the setting aside of a dismissal order concerning an application filed on 5th March, 2019. She told the court on 14th June, 2018 a judgment was delivered in Meru JR 163 OF 2006. However, the judgment could not be executed as the suit land had been subdivided into 4 portions. She told the court that setting aside of the dismissal order would allow the parties to canvass the application on its merits.

4. As the Judge who dismissed the application is still in station, I direct that the application dated **28th February, 2020** be heard by the Honourable Lucy Mbugua, ELC Judge at Meru on **24th March, 2020**. I also direct that the application be served upon the other parties within 7 days of today.

Delivered in open Court at Chuka this 11th day of March, 2020 in the presence of:

CA: Ndegwa

M/S Mbumbuya for the applicants

P. M. NJOROGI,

JUDGE.