



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

JUDICIAL REVIEW NO. 39 OF 2013

REPUBLICAPPLICANT

VERSUS

DIRECTOR OF SURVEY.....RESPONDENT

Ex-parte

SIMON KIPRONO MUTAIAPPLICANT

RULING

(Application for joinder as interested party; judicial review motion seeking to cancel a registry index map on allegation that a parcel of land has been illegally imposed on the land of the ex-parte applicant; intended interested party being owner of that land; clear interest shown in the matter; application allowed; interested party granted leave to file an affidavit to support or oppose the motion).

1. The application before me is that dated 7th July 2014. It is an application filed by one Augustine Langat seeking orders that he be enjoined to this suit as an interested party.

2. The suit itself is a judicial review motion seeking orders of Certiorari to quash the decision of the Director of Surveys which is said to have re-parcelled the land parcel number Nakuru/Teret/800 and introduced a plot number Nakuru/Teret/800. The case of the applicant is that he is the registered proprietor of the land parcel Nakuru/Teret/433 and he was issued with a title deed sometimes in the year 1997. It is averred that the Director of Surveys has introduced the land parcel Nakuru/Teret/433 into the applicant's land parcel No. 433 and amended the Registry Index Map.

4. In his application to be enjoined to these proceedings, Mr. Augustine Langat has stated that he is the proprietor of the land parcel Nakuru/Teret/800 and that any orders issued herein will greatly affect him.

5. The application is not opposed by either the applicant or the respondent. I have considered the same. It will be observed that in this suit, the ex-parte applicant wants orders that will directly affect the land parcel Nakuru/Teret/800. The owner of the said parcel of land is therefore a proper party to be enjoined so that he may be heard.

6. I therefore allow the application to allow Augustine Langat as interested party to these proceedings. He is also at liberty to file any affidavit to oppose or support the main motion within 21 days. The costs of this application shall be costs in the cause.

7. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 10th day of February 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of :-

Mr D.M Gatonye present for ex-parte applicant

No appearance on part of respondent

No appearance on the part of M/s Kiplenge & Kurgat for Interested Party .

CA: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU