



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**

**MISC. APPLICATION N 97 OF 2008**

**MUSA NGAITII.....APPLICANT/EX-PARTE  
APPLICANT**

**VERSUS**

**THE DISTRICT LAND ADJ. & SETTLEMENT OFFICER, TIGANIA & ISEMBE.....1ST  
RESPONDENT**

**M'MBAU THAMBAU.....2ND RESPONDENT /INTEREST  
PARTY**

**R U L I N G**

This application is dated 12th February, 2016. It is premised upon Section 3 and 3A of the Civil Procedure Act and Order 22 Rule 29 (1) of the Civil Procedure Rules. It seeks orders:-

1. ***THAT the honourable Court do order the Land Registrar, Meru North, and the District Surveyor, Meru North, to implement this Court Order of certiorari dated 22nd September, 2015 annexed herein.***
2. ***THAT the Honourable Court be pleased to order restriction placed by Respondent on land parcel No. MERU NORTH/ATHINGA/ATHANJA/2639 be raised .***
3. ***Costs of this application be provided.***

The application is buttressed by the affidavit of the applicant, Musa Ngaitii and has the following grounds:-

1. ***THAT when the Ex-parte Applicant filed application for Judicial Review the Adjudication Register of Athinga/Athanja Land Adjudication Section had not been closed but now it was closed and Lands Registered.***
2. ***THAT the 1st Respondent cannot implement the order of the Court dated 22.09.2015 for all his functions were transferred to the Land Registry and Survey Department upon registration of Land in Athinga/ Athanja Land Adjudication Area.***
3. ***THAT the restriction has been overtaken by events after this Court order.***

I find that the application is meant to implement an order of this Court. In the circumstances, the application is allowed.

It is ordered:-

1. *The Land Registrar, Meru North and the District Surveyor Meru North are ordered to implement this Courts order of certiorari dated 22nd September, 2015 forthwith.*
2. *The Registrar, Meru North is ordered to remove the restriction placed on land parcel No. MERU NORTH/ATHINGA/ATHANJA/2639 forthwith.*
3. *Costs are awarded to the ex-parte applicant.*

*It is so ordered*

**DELIVERED IN OPEN COURT AT MERU THIS 14TH DAY OF APRIL, 2016 IN THE PRESENCE OF:-**

*CC: Lilian*

*Mburugu for the ex-parte Applicant*

*Mutura h/b L. Kimathi for 2nd Respondent.*

**P.M NJOROGE**

**JUDGE**