



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
E & L C MISC APPLICATION NO.163 OF 2006

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW ORDERS OF CERTIORARI
AND PROHIBITION AGAINST THE MERU CENTRAL DISTRICT LAND DISPUTES TRIBUNAL
ABOTHUGUCHI DIVISION

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 CMC L.D.T. NO. 19 OF 2006

AND

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

REPUBLIC.....
.....APPLICANT

VERSUS

THE DISTRICT COMMISSIONER (AS CHAIRMAN MERU
CENTRAL LAND DISPUTES
TRIBUNAL).....

.....1ST RESPONDENT

LAND DISPUTES TRIBUNAL ABOTHUGUCHI
DIVISION.....2ND RESPONDENT

MARGARET M ARETE

.....INTERESTED
PARTY

EX-

PARTE.....

MWITAITI MUGWIKA

R U L I N G

On 6/12/2012, Mr. Gichunge for the interested party addressed the court and was of the view that the Environment and Land Court lacked jurisdiction to hear Judicial Review matters and stated that such matters ought to be heard by the High Court. Infact he demanded that the matter be fixed for hearing before the High Court. Mr. Menge who was appearing for the Attorney general and was representing the respondents supported Mr. Gichunge.

I now give my ruling:

The Constitutional underpinning of the Environment and Land Court is Article 162 (2) of the Constitution. It mandates parliament to establish a Court with the status of High Court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land. Parliament is also required at clause 3 of the said Article to determine the jurisdiction and functions of the court.

Section 13 of the Environment and Land Act allows the Court to hear and determine applications for redress of a denial, violation or infringement of, or threat to rights or fundamental freedom relating to the environment and land under Articles 42, 69 and 70 of the Constitution. Sub-section 7 of section 13 donates power to the Court to make any order and grant any relief as the Court may deem fit and just including, inter alia, prerogative orders.

Having looked at the relevant law, it is my view that the Environment and Land Court which has the Constitutional status of the High court has jurisdiction to hear Judicial Review matters germane to its mandate.

Written and Signed at Meru this 1st day of May 2013.

P. M. NJOROGE

JUDGE

Delivered and Signed in Open Court this 2nd day of May 2013 in the presence of :

Cc. Mwonjaru

P. M. NJOROGE

JUDGE