



**Tukendei & 19 others v Registered Trustees of Munishoi Group & 2 others (Environment and Land Petition E001 of 2025) [2025] KEELC 6513 (KLR) (1 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 6513 (KLR)

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NANYUKI**

**ENVIRONMENT AND LAND PETITION E001 OF 2025**

**LN MBUGUA, J**

**OCTOBER 1, 2025**

**IN THE MATTER OF ARTICLES 2, 3, 20, 21, 22, 23, 27, 36,  
40, 47, 48 & 63 OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF COMMUNITY GROUP REGISTRATION ACT NO. 30 OF 2022**

**BETWEEN**

**JACK KAMUNDA TUKENDEI & 19 OTHERS ..... PETITIONER**

**AND**

**REGISTERED TRUSTEES OF MUNISHOI GROUP ..... 1<sup>ST</sup> RESPONDENT**

**DIRECTOR OF SOCIAL DEVELOPMENT LAIKIPIA ..... 2<sup>ND</sup> RESPONDENT**

**THE HONOURABLE ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. Before me is a notice of motion application dated 10.6.2025 brought forth by the 3<sup>rd</sup> respondent, the Attorney General seeking orders that they be struck out from this petition so that the matter can proceed against the right parties. The application is premised on grounds on the face of the application and the supporting affidavit of Mary Chege an advocate practicing as a State Counsel of the 3<sup>rd</sup> respondent. She avers that the provisions of Article 156 (4) (b) of the *Constitution* as well as Section 5 (1) (i) of the *Office of the Attorney General* mandate the 3<sup>rd</sup> respondent to represent the National Government, of which the entities sued as 1<sup>st</sup> and 2<sup>nd</sup> respondents do not fall under that category. Thus, there is no cause of action against the Attorney General.
2. The petitioners have opposed the application vide the replying affidavit of the 1<sup>st</sup> petitioner. They contend that the 3<sup>rd</sup> respondent was properly joined in these proceedings, adding that in the



implementation of petitioners' rights as provided under the Constitution, the 3<sup>rd</sup> respondent is the greatest prayer.

3. I have considered the contents of the application, the response thereof, the rival submissions as well as the pleadings so far filed. The claim of the petitioners is that they occupy land parcel LR. Laikipia/11Ndingi/6 which is community land whose title was issued to Munishoi Group Ranch. The said Ranch was registered by the 1<sup>st</sup> respondent, and in collusion with the 2<sup>nd</sup> respondent, the names of the petitioners were omitted.
4. It is common ground that titles to land emanate from the Government, specifically the Ministry of Lands. The generation of titles usually comes at the tail end in the process of ascertainment and crystallization of rights and interests. Further, the aforementioned Ministry is the custodian of land records, thus they have information as to how the title was issued to the ranch in question. It follows that the presence of the 3<sup>rd</sup> respondent is crucial in promoting, protecting and upholding the rule of law and defend the public interest as enshrined under Article 156 (6) of the Constitution.
5. In the circumstances, I find that the application dated 10.6.2025 is not merited, the same is hereby dismissed. Each party is to bear their own costs of the application.

**DATED, SIGNED AND DELIVERED AT NANYUKI THIS 1<sup>ST</sup> DAY OF OCTOBER, 2025,  
THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

In the presence of:

Nancy - CA

Kimata h/b for Obachi for Petitioners

Kibe h/b for Chege for 3<sup>rd</sup> Respondent/ Applicant

