

REPUBLIC OF KENYA
IN THE ENVIROMENT AND LAND COURT AT KAJIADO
ELC CASE NO. 842 OF 2017

KAUSAU OLE KURENDE.....
.....PLAINTIFF

-VERSUS-

THE REGISTRAR, KAJIADO NORTH SUB-COUNTY.....1ST
DEFENDANT

THE DISTRICT LAND SURVEYOY, KAJIADO -
NORTH SUB-COUNTY.....2ND
DEFENDANT

LANTEK SOKOIYON3RD
DEFENDANT

SERAPIN SOKOIYAN.....4TH
DEFENDANT

MURERA CHURCH.....5TH
DEFENDANT

SIMITA OLE PARANTAI.....6TH
DEFENDANT

RULING

1. On 23rd January 2018, Hon. Lady Justice Ochieng referred the parties in this case to the Land Registrar - Kajiado North, to deal with the boundary dispute herein, in essence declining jurisdiction to hear this matter. The Land Registrar acted accordingly filing a report dated 3rd December 2019. This was a determination in

exercise of the jurisdiction granted to the Registrar under Section 18 of the Land Registration Act.

2. **Rule 40 of the Land Registration (General) Regulations 2017**, provides that upon expiry of 30 days, the decision by the Registrar shall be implemented accordingly. The Land Registrar shall cause to be defined by survey the precise position of the boundaries in question.
3. There is no provision in law for the adoption of the determination by the Land Registrar by this court or any other court for that matter. This court may only entertain the matter as an appeal filed under **sub-rule (6) of the Land Registration (General) Regulations 2017**, which appeal ought to be filed within 30 days of the date of notification.
4. By acknowledging the jurisdiction of the Land Registrar under the provisions of **Section 18 of the Land Registration Act**, and indeed referring the dispute to the Registrar, the court ostensibly admitted its own lack of jurisdiction to entertain the matter falling under the exclusive jurisdiction of the Registrar.

5. This was the holding of the court in the case of **George Kamau Macharia -vs- Dexka Limited (2019) eKLR**, where **Kemei Judge** held that;

“It is manifestly clear that the above section (18 (2) of the Land Registration Act) gives the mandate to the Land Registrar to resolve boundary disputes of land with general boundaries. ...the framers of Section 18 (2) of the Land Registration Act place this matter before the Land Registrar who has the technical advice and resources of the District Land Surveyor to determine and ascertain the boundaries.

6. The **Court of Appeal** in the case of **Azzuri Limited -vs- Pink Properties Limited (2018) eKLR**, had affirmed the above position stating that,

“This means that under the aforesaid provisions, boundary disputes pertaining to lands falling within general boundary areas must be referred to the Land Registrar for resolution.

7. Consequently, this file ought to have been closed the moment the court found it lacked the jurisdiction to entertain the matter. The

court downed its tools. There is nothing more for this court to do.
This file shall be closed henceforth.

**Dated Signed and Delivered at Kajiado Virtually this 22nd Day
of October 2025.**

**M.D. MWANGI
JUDGE**

In the virtual presence of:

Mr. Taliti for the Plaintiff

Mr. Akunde for the 3rd Defendant

Ms. Nini h/b for Mr. Maina for the 5th Defendant

N/A by the 1st, 2nd, 4th and 6th Defendants

Court Assistant: Mpoye

**M.D. MWANGI
JUDGE**