



**Republic v Nairobi District Land Registrar; Kirui (Interested Party);
 Ramadhan (Ex parte) (Environment and Land Judicial Review Case
 E026 of 2025) [2025] KEELC 7485 (KLR) (30 October 2025) (Judgment)**

Neutral citation: [2025] KEELC 7485 (KLR)

**REPUBLIC OF KENYA
 IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
 ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E026 OF 2025**

MN KULLOW, J

OCTOBER 30, 2025

**IN THE MATTER OF: AN APPLICATION FOR THE JUDICIAL REVIEW ORDERS OF
 CERTIORARI AND MANDAMUS UNDER ORDER 53 OF THE CIVIL PROCEDURE RULES**

AND

**IN THE MATTER OF: SECTIONS 8 AND 9 OF THE
 LAW REFORM ACT, CAP 26 LAWS OF KENYA**

AND

**IN THE MATTER OF: SECTIONS 7, 9, 12, 15, 16, 17, 18, 19 AND 23 OF THE
 LAND REGISTRATION ACT NO. 3 OF 2012, REGULATIONS 40 AND 41 OF THE
 LAND REGISTRATION (GENERAL) REGULATIONS, 2017 (LEGAL NOTICE
 NO. 278 OF 2017), SECTIONS 22 AND 30 OF THE SURVEY ACT, CAP 299 AND
 REGULATION 50 OF THE SURVEY REGULATIONS (LEGAL NOTICE NO. 168 OF 1994)**

**IN THE MATTER OF: BOUNDARY CONFIRMATION/RE-ESTABLISHMENT
 AND OR RELOCATION WITH RESPECT TO PROPERTY TITLE NUMBERS
 NAIROBI BLOCK 66/3454 (FORMERLY KNOWN AS DAGORETTI/
 RIRUTA/3454) AND NAIROBI/BLOCK 66/6691 AND NAIROBI/BLOCK
 66/6692 (FORMERLY JOINTLY KNOWN AS DAGORETTI/RIRUTA/3455)**

BETWEEN

REPUBLIC APPLICANT

AND

THE NAIROBI DISTRICT LAND REGISTRAR RESPONDENT

AND

REGINA WAITHER KIRUI INTERESTED PARTY

AND



JUDGMENT

A. Introduction

a. Applicants Case

1. Pursuant to leave having been granted by this Honourable Court on the 6th day of May 2025, the Ex parte Applicant, Rehema Wairimu Ramadhan, moved the Court by way of a Notice of Motion dated 8th May, 2025 Under the provisions of Sections 8 and 9 of the Law Reform Act, Chapter 26, and Order 53 of the Civil Procedure Rules, 2010.
2. The Applicant seeks the following substantive orders:
 - a. An order of Certiorari to remove into this Court for purposes of being quashed, the Respondent's decision contained in the letter dated 11th November, 2024, but communicated on 25th March, 2025, to the effect that a boundary confirmation and/or relocation exercise had been carried out on 6th September, 2024 and 3rd October, 2024, as a result of which certain beacons were fixed and adopted as the boundary line between parcels Dagoretti/Riruta/3454 and Dagoretti/Riruta/3455 does hereby issue
 - b. An order of Mandamus compelling the Respondent to immediately perform the statutory duties imposed under Sections 18 and 19 of the Land Registration Act No. 3 of 2012 and Regulations 40 and 41 of the Land Registration (General) Regulations, 2017, by lawfully fixing the boundary between the said parcels, and that the said exercise be conducted by an officer other than Mr. Nkinyangi Kailemia.
 - c. Costs of the application.
3. The application is founded on the grounds set out on its face and further supported by the Statutory Statement and Supporting Affidavit sworn by the Applicant. The Applicant avers that she is the registered proprietor of Nairobi Block 66/6691 and 66/6692, while the Interested Party, Regina Waithera Kirui, is the registered proprietor of Nairobi Block 66/3454, formerly known as Dagoretti/Riruta/3454.
4. The Applicant contends that the Respondent usurped the authority of the Director of Surveys, contrary to Section 22 of the Survey Act and Regulation 50 of the Survey Regulations, by purporting to confirm or re-establish the boundary separating the aforementioned parcels without jurisdiction and without following the procedure prescribed under Sections 18 and 19 of the Land Registration Act.
5. It is further alleged that during the impugned exercise conducted on 6th September, 2024 and 3rd October, 2024, the Respondent, allegedly acting under the influence of the Interested Party, declined to entertain or record the Applicant's objections and proceeded contrary to all relevant statutory requirements and due process.
6. The Applicant asserts that she was never notified of the outcome of the said exercise and only became aware of it upon being served with a demand letter dated 11th March, 2025 from the Interested Party's advocates, requiring her to demolish her perimeter wall said to have encroached on the Interested Party's property.



7. It is also the Applicant's case that the Respondent's actions form part of a broader attempt to circumvent a pending Court of Appeal matter between the same parties, being Civil Appeal No. E422 of 2020 – Regina Waithera Kirui -Vs- Rehema Wairimu Ramadhan, in which judgment was scheduled for delivery on 23rd May, 2025. The Applicant maintains that the Respondent's actions were illegal, malicious, and in bad faith, aimed at irregularly defeating her proprietorship rights as guaranteed under Section 25 of the [Land Registration Act](#), and that she has been left with no option but to seek the intervention of this Honourable Court.

Interested Party Case

8. The Interested party, through the firm of Gitamo Onsombi & Co. Advocates, filed a Replying Affidavit sworn by the Interested Party, Regina Waithera Kirui, opposing the Notice of Motion. The Interested Party avers that the application is brought in bad faith, is an abuse of the court process, and that the Applicant has not made full disclosure of material facts. She deposes that the subject parcels emanated from Milimani Succession Cause No. 1828 of 2010, where upon confirmation of grant, the two properties Dagoretti/Riruta/3454 and 3455 were distributed equally, each measuring approximately 0.1 hectares. She relies on copies of the confirmed grant, mutation forms, and title deeds annexed to demonstrate that the parcels were transmitted lawfully and without alteration.
9. The Interested Party asserts that there was no boundary dispute between the parties until around November 2021, when the Applicant allegedly employed unauthorized persons to relocate and shift the beacons on parcel 3455, thereby encroaching onto her parcel, 3454. She states that the matter was reported to Muthangari Police Station and later investigated by the DCI at Kabete, resulting in the halting of those activities. She further alleges that on 25th January, 2022, the Applicant, with the assistance of a regional surveyor, unlawfully undertook a re-survey of the land and caused destruction of a perimeter wall and rental houses on her property, contrary to Sections 18 and 19 of the [Land Registration Act](#).
10. The Interested Party deposes that the impugned boundary confirmation exercise of 6th September, 2024 and 3rd October, 2024 was initiated through community mediation by the Area Chief after her return from abroad and was conducted in full compliance with the law. She avers that the exercise was attended by the Land Registrar, government surveyors, private surveyors for each party, legal representatives, and local elders, and that both parties agreed to use the 1991 mutation as the baseline document. The process, she maintains, proceeded transparently and concluded without objection from the Applicant, save for a minor request involving the measurement of a 15-metre road reserve.
11. The Interested Party further contends that the Land Registrar's report dated 11th November, 2024 accurately reflected the findings of that lawful exercise, confirming that the Applicant's parcel had encroached onto her property by approximately three metres on the eastern side and two metres on the western side. She denies influencing the Registrar's decision or acting in collusion with him. She adds that the Applicant was invited to collect her copy of the Registrar's report from the Deputy County Commissioner's office but declined to do so after learning the findings were not in her favour, and that the subsequent demand letter sent to the Applicant merely sought compliance to allow final beacon fixing as envisaged under Regulation 40(7) of the Land Registration (General) Regulations, 2017.
12. The Interested Party maintains that the boundary confirmation was lawful, procedural, and within the Registrar's mandate under Sections 18 and 19 of the [Land Registration Act](#), and that the Applicant's attempt to challenge it constitutes an afterthought designed to delay and obstruct implementation of legitimate findings. They urge that the application be dismissed on the grounds of bad faith, material non-disclosure, and abuse of process. However, they state that if the Court should order a fresh



boundary exercise, it should be conducted by the Respondent using the 1991 mutation plan, which both parties had agreed upon as the original and authentic record of the boundaries.

B. Submissions

13. The Application was canvassed by way of written submission:

Applicant's Submissions

14. The Applicant, through written submissions dated 13th June 2025, identified two main issues for determination: (i) whether the order of Certiorari should issue to quash the Respondent's decision contained in the letter dated 11th November 2024, and (ii) whether the order of Mandamus should issue compelling the Respondent to perform his statutory duties under Sections 18 and 19 of the [Land Registration Act](#), 2012 and Regulations 40 and 41 of the Land Registration (General) Regulations, 2017.
15. On the first issue, the Applicant submitted that the Respondent acted ultra vires his statutory mandate by purporting to conduct a boundary confirmation and re-establishment exercise on 6th September and 3rd October 2024, a function that by law falls under the exclusive authority of the Director of Surveys pursuant to Section 22 of the [Survey Act](#), Cap 299 and Regulation 50 of the Survey Regulations (Legal Notice No. 168 of 1994).
16. It was contended that the Respondent had no lawful jurisdiction to fix or alter boundaries and that the impugned decision was therefore illegal, null and void. Reliance was placed on the case of Republic -Vs- Judicial Commission of Inquiry into the Goldenberg Affair & 3 Others ex parte Mwalulu & 8 Others [2004] KLR 1337, where the court held that acts done beyond conferred powers are nullities and that the High Court is duty-bound to quash such illegalities in the exercise of its judicial review jurisdiction.
17. On the second issue, the Applicant argued that the order of Mandamus was warranted to compel the Respondent to properly discharge his statutory duties. Citing Kenya National Examinations Council -Vs- Republic ex parte Geoffrey Gathenji Njoroge & 9 Others [1997] eKLR, the Applicant submitted that Mandamus issues to compel performance of a public duty imposed by statute where such duty has been neglected.
18. It was argued that Sections 7, 9, 12, 15–19, and 23 of the [Land Registration Act](#) expressly define the functions of the Registrar, including the obligation to act in coordination with the office of the Director of Surveys, issue statutory notices in Forms LRA 23 and 24, and accord affected parties a fair hearing. The Applicant contended that the Respondent failed to comply with these mandatory provisions, did not issue any statutory notice, and conducted the exercise without guidance from the Director of Surveys hence breaching the Applicant's right to fair administrative action under Article 47 of [the Constitution](#).
19. The Applicant further relied on Republic -Vs- The Judicial Commission of Inquiry into the Goldenberg Affair ex parte Prof. George Saitoti [2006] eKLR and Council of Civil Service Unions -Vs- Minister for the Civil Service [1985] AC 374, submitting that public officials must act consistently with publicly stated legal procedures and that failure to do so violates a party's legitimate expectation of fair and lawful administrative conduct. The Applicant urged the Court to find that the Respondent's conduct was a deliberate abuse of office, influenced by the Interested Party, and aimed at unlawfully defeating her proprietary rights. She concluded that both the orders of Certiorari and Mandamus were merited, as the Respondent's actions were tainted with illegality, procedural impropriety, and bad faith.



Interested Party's Submissions

20. The Interested Party, through written submissions filed by Gitamo Onsombi & Co. Advocates, identified the principal issues for determination as: (i) whether the Ex-parte Applicant's application should be dismissed for failure to make full disclosure at the ex-parte stage, and (ii) whether the orders of Certiorari or Mandamus sought by the Applicant are warranted under the circumstances.
21. On the first issue, the Respondent submitted that the Ex-parte Applicant approached the Court with "unclean hands", having failed to disclose material facts including her police complaint alleging theft of land, and the prior lawful conduct of a boundary confirmation exercise conducted by the Respondent with government surveyors. It was argued that this non-disclosure misrepresented the Interested Party and the Respondent, thereby constituting an abuse of the Court process. The submissions relied on authorities such as Hussein Ali & 4 Others vs. Commissioner of Lands (2013), Uhuru Highway Development Ltd -Vs- Central Bank of Kenya (1995), Margaret Nduati -Vs- Housing Finance Company (2001), and Stanley Kubania M'ekabu & Anr -Vs- Joshua Mwiti M. Kaboro (2011), which establish that an ex-parte applicant must make full disclosure of all material facts and that failure to do so renders any order obtained liable to be set aside.
22. On the substantive merits, the Respondent contended that the boundary confirmation exercise carried out on 6th September and 3rd October 2024 was within the Respondent's statutory jurisdiction under Sections 18 and 19 of the *Land Registration Act*, and was conducted in accordance with Regulations 40 and 41 of the Land Registration (General) Regulations, 2017, with the assistance of government surveyors. The Respondent submitted that the exercise was fair, addressed all legitimate concerns raised by the Applicant, and followed due process, citing David Murai Kori vs. District Land Registrar Nyandarua (2019), Terry C Maina -Vs- District Land Registrar, Kajiado (2015), and Republic -Vs- Kenya Revenue Authority & Another (2021) to emphasize that judicial review is limited to correcting decisions taken ultra vires, arbitrarily, or in violation of natural justice. The submissions stressed that no evidence of bias, illegality, or procedural impropriety was adduced by the Ex-parte Applicant.
23. Finally, on the reliefs sought, the Respondent argued that the orders of Certiorari and Mandamus are unwarranted. Certiorari could not be justified because the Respondent acted within jurisdiction and adhered to due process. Mandamus was equally inappropriate as the Respondent had already performed the statutory duty, and the Applicant failed to demonstrate bias or illegality in the conduct of the boundary confirmation exercise. The submissions concluded that the application should be dismissed in its entirety with costs, noting that judicial intervention is discretionary and is only warranted where a public authority has acted illegally, irrationally, or procedurally improperly.

Supplementary Submissions by the Ex-parte Applicant

24. The Ex-parte Applicant, through supplementary submissions, stated that the alleged illegal acts of the Respondent and the Interested Party are a continuation of a long-standing court battle over the suit parcels of land. The Applicant emphasized that, at the time of filing the Notice of Motion dated 08/05/2025 and the supporting affidavit, the dispute over the parcels was pending judgment before the Court of Appeal in Regina Waithera Kirui -Vs- Rehema Wairimu Ramadhan (COA CA/E422/2020).
25. The Applicant contended that the Interested Party had repackaged the same dispute as a boundary issue before this Court and had allegedly compromised the Respondent to gain an unfair advantage, anticipating an unfavorable outcome in the Court of Appeal case. The supplementary submissions noted that the Court of Appeal delivered judgment on 20/06/2025, confirming that the Interested



Party had lost, which, according to the Applicant, supports her version of the events and validates her claims before this Court.

26. The Ex-parte Applicant attached a copy of the Court of Appeal judgment as evidence for the Honourable Court's consideration and reiterated that these supplementary submissions are in support of the main submissions dated 13/06/2025. The Applicant prayed that the Court find in her favor based on the consistency of her position with the outcome of the appellate proceedings.

C. Issues For Determination:

27. Having taken into account the pleadings, the evidence, and the submissions, and guided by the settled principles governing the Court's judicial review jurisdiction, the following are, in the Court's view, the issues that fall for determination in this matter:
1. Whether the Respondent acted without jurisdiction, ultra vires, or in breach of statutory procedure in conducting the boundary confirmation exercise of 6th September and 3rd October, 2024, and thereby whether the order of Certiorari should issue to quash the decision dated 11th November 2024.
 2. Whether the Respondent failed, neglected, or refused to perform a statutory duty under Sections 18 and 19 of the *Land Registration Act*, 2012, thereby warranting the issuance of an order of Mandamus compelling a fresh boundary confirmation exercise.
 3. Whether the Ex parte Applicant is entitled to the reliefs sought, including costs.

D. Analysis And Determination

Issue 1: Whether the Respondent acted without jurisdiction, ultra vires, or in breach of statutory procedure in conducting the boundary confirmation exercise of 6th September and 3rd October 2024, and thereby whether the order of Certiorari should issue to quash the decision dated 11th November 2024.

28. Upon careful consideration of the pleadings and the material on record, the Court must determine whether the decision of the Nairobi District Land Registrar dated 11th November 2024 confirming the boundary between parcels Nairobi Block 66/3454 and Nairobi Block 66/6691 & 6692 was reached lawfully, within jurisdiction and in accordance with due process.
29. Judicial review under sections 8 and 9 of the *Law Reform Act* and Order 53 of the Civil Procedure Rules is concerned not with the correctness of the decision itself but with the legality, rationality and procedural propriety of the process leading to it. The guiding test, restated in *Municipal Council of Mombasa -Vs- Republic & Umoja Consultants Ltd* [2002] eKLR and *Pastoli -Vs- Kabale District Local Government Council* [2008] 2 EA 300, is whether the public officer acted within the law, accorded the parties a fair hearing and observed the rules of natural justice.
30. The starting point is the scope of the Land Registrar's statutory mandate. Under section 18 of the *Land Registration Act* (Cap 300), the Registrar has power to determine and indicate the position of any uncertain or disputed boundary, while section 19(2) requires the Registrar, before fixing such a boundary, to give notice to the owners and occupiers of the adjoining lands, to give them an opportunity to be heard and thereafter to cause the boundary to be defined by survey. The Registrar's duty is therefore administrative and quasi-judicial, to be discharged in consultation with the office responsible for survey.



31. This provision is complemented by section 22 of the *Survey Act* (Cap 299), which directs that any survey of land for purposes of registration shall be carried out under and in accordance with the directions of the Director of Surveys. By virtue of section 3(2) of the same Act, the Director may delegate his powers and duties to officers of the Survey Department, whose acts are deemed those of the Director himself. The participation of two Government surveyors in the impugned exercise therefore constituted lawful technical supervision under the Director's delegated authority. The Applicant's claim that the Registrar usurped the Director's functions is thus not borne out by the statutory framework.
32. The record before the Court confirms that a boundary confirmation exercise was conducted on 6th September and 3rd October 2024 in the presence of both proprietors, their private surveyors, Government surveyors, and representatives of the area administration. The Registrar's report, dated 11th November, 2024, indicates that the 1991 mutation plan held at the Survey of Kenya was used as the baseline reference.
33. Under section 32 of the *Survey Act*, no land is deemed to have been surveyed or resurveyed until the relevant plan has been authenticated by the Director, an authorized Government surveyor or by the seal of the Survey of Kenya. The plan relied upon was duly authenticated and remains on record at the Survey Office; its use was therefore proper and within the contemplation of the Act. Furthermore, section 23 of the same Act empowers the Director or any surveyor, on reasonable notice, to enter upon land for purposes of affixing or inspecting survey marks. The site visits complained of fall squarely within that statutory power and there is no evidence that they were conducted clandestinely or without notice.
34. Had there been any inaccuracy in the authenticated plan or irregularity in the survey process, section 33 of the *Survey Act* provides a clear remedial mechanism whereby the Director may cancel the authentication of a defective plan and must notify the owner, the surveyor and the Registrar. No such cancellation or notice has been shown to this Court. The continued subsistence of the authenticated 1991 plan therefore reinforces the presumption of regularity in the technical work underpinning the Registrar's decision.
35. The Applicant further alleges that she was not notified of the exercise and was denied a hearing. Yet the signed attendance sheets annexed to the affidavits show her participation, together with her surveyor, at both visits. This satisfies the procedural requirements of Regulation 70 of the Land Regulations, 2017 (Legal Notice No. 280 of 2017) which obliges the Registrar to give written notice and to hear the parties concerned.
36. The Applicant's contention that she was excluded from the process is therefore unsupported by the evidence. Equally, her allegation that the Registrar acted under the influence of the Interested Party remains unsubstantiated; no proof of bias or malice has been offered beyond dissatisfaction with the outcome. As the Court observed in *Republic -Vs- Kenya Revenue Authority ex parte Yaya Towers Ltd* [2008] eKLR, an unfavourable decision is not, by itself, proof of bias.
37. Taken together, these facts show that the Registrar acted within jurisdiction, applied the correct statutory procedure, and made his determination on the basis of an authenticated government survey plan. The Applicant has not demonstrated illegality, irrationality, or procedural impropriety, the three established grounds for judicial review identified in the *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (GCHQ case). Her disagreement with the substantive findings particularly the conclusion that her perimeter wall encroached onto the neighbouring parcel cannot be redressed through Certiorari, as this Court is not sitting in appeal over the Registrar's factual determination.



38. In the premises, the Court is satisfied that the boundary confirmation exercise of 6th September and 3rd October, 2024 was conducted lawfully, in coordination between the Land Registrar and the Survey Department, pursuant to sections 18 and 19 of the [Land Registration Act](#) and sections 3(2), 22, 23, 32 and 33 of the [Survey Act](#). The process met the requirements of fair administrative action under Article 47 of [the Constitution](#), and no procedural impropriety has been established. Consequently, the Respondent's decision dated 11th November, 2024 stands, and the prayer for an order of Certiorari is declined.

Issue 2: Whether the Respondent failed, neglected, or refused to perform a statutory duty under Sections 18 and 19 of the [Land Registration Act](#), 2012, thereby warranting the issuance of an order of Mandamus compelling a fresh boundary confirmation exercise.

39. Having found that the decision of the Respondent was made within jurisdiction and in accordance with the law, the Court must now consider whether the circumstances of this case justify the issuance of an order of Mandamus compelling the Respondent to perform the duties alleged to have been neglected. The Ex parte Applicant urges the Court to compel the Nairobi District Land Registrar to conduct a fresh boundary confirmation exercise under Sections 18 and 19 of the [Land Registration Act](#), to do so lawfully and with the participation of an officer other than the one who presided over the impugned exercise.

40. The nature and purpose of the order of Mandamus are well settled. In Kenya National Examinations Council -Vs- Republic ex parte Geoffrey Gathenji Njoroge & 9 Others [1997] eKLR, the Court of Appeal stated that Mandamus issues to compel the performance of a public duty imposed by law where that duty has become due and has not been performed. The order does not lie to direct how a public officer should perform a duty, nor to compel the exercise of discretion in a particular manner; it simply enforces the performance of an existing, unfulfilled statutory obligation. It follows that for Mandamus to issue, the Applicant must demonstrate: first, that the Respondent is under a clear statutory duty to act; secondly, that the Respondent has failed, refused or neglected to perform that duty; and thirdly, that there is no other adequate remedy available in law.

41. Applying these principles to the present case, it is not disputed that the Land Registrar bears the statutory duty, under Sections 18 and 19 of the [Land Registration Act](#), to determine and fix uncertain boundaries upon notice to affected proprietors and in consultation with the Survey Office. However, the evidence before this Court demonstrates that the Respondent has already undertaken that duty. The boundary confirmation exercise of 6th September and 3rd October, 2024, culminating in the report dated 11th November, 2024, was carried out pursuant to those very provisions. The Applicant's complaint, as established under Issue 1, goes to the substance of the Registrar's findings, not to failure to perform the statutory function. Mandamus cannot therefore lie to compel the repetition of a duty that has already been discharged.

42. Moreover, the exercise in question complied with the procedural requirements. The Registrar issued notices, convened site visits, involved the Survey Department as required under section 22 of the [Survey Act](#), and subsequently rendered a written decision. Once a statutory function has been lawfully executed, the Court cannot, under the guise of Mandamus, direct the officer to undertake it afresh merely because one party is dissatisfied with the outcome. To do so would amount to a substitution of administrative discretion with judicial opinion, contrary to the principles governing judicial review.

43. The Applicant further prayed that the exercise, if ordered afresh, be conducted by an officer other than the one who presided over the previous exercise. This request presupposes wrongdoing or bias on the part of the current Registrar. However, as already determined, no evidence of bias, malice, or



procedural impropriety has been demonstrated. In the absence of such proof, the Court cannot issue a coercive order implying misconduct or incapacity on the part of a statutory office-holder. The mere existence of a dispute or dissatisfaction with the Registrar's findings does not create a legal basis for the Court to compel a reallocation of statutory duties.

44. It must also be borne in mind that Sections 86 and 87 of the [Land Registration Act](#) provide an internal mechanism for challenging or appealing decisions of the Registrar, including boundary determinations. The Applicant, having participated in the process and being dissatisfied with the outcome, had the option to pursue that statutory remedy rather than to seek to reopen the process through Mandamus. Judicial review cannot be invoked to achieve what is, in essence, an appeal on the merits.
45. In the totality of circumstances, this Court is satisfied that the Respondent has already performed the duties imposed by law. There is no continuing omission or refusal to act that would justify coercive intervention. The Applicant has therefore not met the threshold for the grant of an order of Mandamus. The prayer must consequently fail.
46. Accordingly, the Court declines to issue an order of Mandamus against the Nairobi District Land Registrar.

E. CONCLUSION AND ORDERS

47. Having carefully considered the pleadings, affidavits, submissions, and the applicable law, the Court finds that the Respondent acted within the powers conferred under Sections 18 and 19 of the [Land Registration Act](#) (Cap. 300) and in proper coordination with the Director of Surveys as required under Sections 3(2), 22, 23, 32 and 33 of the [Survey Act](#) (Cap. 299). The boundary confirmation exercise conducted on 6th September and 3rd October 2024, culminating in the decision dated 11th November 2024, was lawful, procedurally fair, and within jurisdiction.
48. The Applicant has not demonstrated any illegality, irrationality, procedural impropriety, or neglect of duty on the part of the Respondent that would warrant the intervention of this Court through the prerogative orders sought.
49. Accordingly, the Court makes the following final orders:
 - a. The prayer for an order of Certiorari is declined.
 - b. The prayer for an order of Mandamus is declined.
 - c. Costs are awarded to the Interested Party.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON 30TH DAY OF OCTOBER, 2025.

MOHAMMED N. KULLOW

JUDGE

Judgment delivered in the presence of: -

Mr. Omulama for the Ex-parte Applicant.

Mr. Onsombi for the Interested Party.

N/A for the Respondent.



Philomena W. Court Assistant.

