



**Kangoroto v Land Registrar & another (Petition E030 of 2025)  
[2025] KEELC 7962 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7962 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
PETITION E030 OF 2025  
JG KEMEI, J  
NOVEMBER 13, 2025**

**BETWEEN**

**ROSEMARY WARUE KANGOROTO ..... PETITIONER**

**AND**

**THE LAND REGISTRAR ..... 1<sup>ST</sup> RESPONDENT**

**THE HON ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

**(In respect of the Petitioners' Notice of Motion dated the 1/5/25)**

1. Before this Court for determination is the Notice of Motion dated 1/5/25 filed by the petitioner, seeking orders interalia; compelling the 1st Respondent to maintain the land records for NBI/Block 105/101777 (suit land); directing the 1st Respondent not to interfere with the records of the suit land and the certificate of lease issued to the applicant over the suit land; and, pending the hearing and determination of the petition, issue orders restraining the 1st and 2nd Respondents from entertaining any dealings with the subject property by third parties.
2. The application is based on the grounds set out on the face of it and the supporting affidavit sworn by the applicant on 1/5/25. In essence, the applicant states that she is the registered owner of the suit land, as confirmed by the court in the judgment rendered on 20/9/24 in MCELC E452/2023. She claims that she tried to conduct a search on the Ardhi Sasa Platform but her request was denied because her title had been revoked on account of a claim from a third party. She adds that this action violates her property rights as outlined in *the Constitution*. That the refusal to allow her to carry out the search on the Ardhi Sasa platform is unlawful, unreasonable, and shows a complete disregard for the court's judgement, which confirmed her ownership of the property. That unless the orders are issued, she risks losing her property and investment.
3. Despite the service, the application is not opposed.



4. Basically, the petitioner’s application seeks conservative orders restraining the respondent from undertaking any dealings on the property pending the hearing interpartes of the petition.
5. This court is mandated to grant reliefs including conservatory orders as outlined in Article 23 of *the constitution*.
6. In the case of Centre for Rights Education and Awareness and 7 Others –v- The Attorney General [HCCP No. 16 of 2011] the court stated as follows;  

“ a party seeking a conservatory order only requires to demonstrate that he has a prima facie case with a likelihood of success and that unless the court grants the conservatory order, there is real danger that he will suffer prejudice as a result of the violation or threatened violation of *the Constitution*”.
7. The court is to exercise its discretion in deciding whether to grant or deny a conservatory order. The court must consequently consider all relevant material facts and avoid immaterial matters. The court will consider the applicants credentials, the prima facie correctness of the availed information, whether the grievances are genuine legitimate and deserving and finally whether the grievances and allegations are grave and serious or merely vague and reckless: see Centre for Human Rights and Democracy & 2 Others –v- Judges and Magistrates Vetting Board & 2 Others CP No. 11 of 2012 as well as Suleiman –v- Amboseli Resort Ltd [2004] 2 KLR 589.
8. In this case, the petitioner claims that she was adjudged the owner of the land in the judgement aforementioned. However, when she carried out a search at the land office to effect the registration of the land in her name, the search was rejected on the basis that another claimant has an interest.
9. It is evident to the court that unless the orders are issued, the respondent will proceed to entertain another claim from an undisclosed third party. For that reason, I find that the applicant has established a prima facie case to warrant the issuance of the orders.
10. In the end, I allow the application with no orders as to costs.
11. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025 VIA MICROSOFT TEAMS.**

**J. G. KEMEI**

**JUDGE**

Delivered Online in the presence of:

1. Kang’ara H/B for Gwandaru for the Petitioner
2. Mr. Allan Kamau for the Respondents
3. CA- Ms Yvette Njoroge

