

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT KAPSABET

ELCL JUDICIAL REVIEW CASE NO. E002 OF 2025

**IN THE MATTER OF VIOLATION AND THREATENED
VIOLATION OF FUNDAMENTAL RIGHTS AND FREEDOMS
UNDER (INTER ALIA) ARTICLES 10,27,28,29,47 OF THE
CONSTITUTION OF KENYA 2010**

-AND-

IN THE MATTER OF BREACH OF NATURAL JUSTICE

-BETWEEN-

REPUBLIC.....

APPLICANT

-VERSUS-

THE DIRECTOR OF CRIMINAL INVESTIGATIONS.....

RESPONDENT

RULING

1. In the application by way of Chamber summons dated 3rd October 2025, the Ex parte Applicant, Ziporah Jebichii Seroney through Chege & Sang Advocates, is seeking the orders infra;

- a) That, this Honourable Court be pleased to enlarge time for purpose of filing Judicial Review proceedings.
- b) That this Honourable Court be pleased to grant the ex-parte Applicant leave to apply for an order of certiorari to bring into this Honourable Court for purposes of being quashed the entire decision of the Director of Criminal Investigations to place an indefinite restriction on the Applicants properties as contained in the letter dated 24th February, 2025.
- c) That, this Honourable Court be pleased to grant the ex-parte Applicant leave to apply for an order of prohibition prohibiting the Respondent withholding the original title deed for land parcel number NANDI/CHEPKUMIA/502.
- d) That, this Honourable Court be pleased to grant the ex-parte Applicant leave to apply for an order of mandamus directing the Respondent to conclude their investigations within 14 days failure to which there be a removal of the restriction place as per the letter dated 24th February, 2025.
- e) That, the leave sought do operate as a stay of the entire decision of Respondent as contained in the letter dated

24th February 2025 pending the hearing and determination of this suit.

f) That, further order and/or incidental orders or direction as this Honourable Court shall deem just and expedient be issued

g) That, the costs of this application to provided for.

2. The foundation of the application is the Ex Parte Applicant's supporting affidavit of even date alongside eight grounds, inter alia;

a) That, the Ex parte applicant is the registered owner of LR NO. NANDI/CHEPKUMIA/502 measuring approximately 9.2 hectares as revealed in a copy of title marked '**ZS 1**' annexed to the affidavit.

b) That, the statutory period for lodging Judicial Review proceedings have lapsed given the impugned letter is dated 25th February 2025 and there is need for this Honourable Court to enlarge time for filling this application.

c) That, it was only after the Ex parte applicant visited the lands registry recently sometimes on 10th June 2025 that she discovered that a restriction had been lodged over her property

known as NANDI/CHEPKUMIA/502 on the Respondent's accord as disclosed in a copy of her request letter marked '**ZS 2**' annexed to the affidavit.

d) That, the Registrar of Lands at Kapsabet notified be that she lodges the restriction on the directive of the Respondent's letter dated 24th February 2025 as per a copy of the letter annexed and marked '**ZS 3**' to the affidavit.

3. Mr. Dennis Sang learned Counsel for the Applicant stated that the Respondent was duly served as disclosed in the affidavit of service sworn on 9th October 2025 herein. Counsel urged the Court to allow the application in terms of prayers 2, 3, 4 5 and 6 therein.

4. So, is the application meritorious?

5. I consider the entire application inclusive of leave to apply for the judicial review orders sought in the same and **Articles 23 (3) (f) and 47 of the Constitution of Kenya 2010**, among others, under which the application was initiated.

6. Clearly, the Respondent was duly served and opted not respond to the application; see **Ogada-vs-Mollin (2009) eKLR.**
7. Time sought to be enlarged in the application is governed by **Order 50 of the Civil Procedure Rules 2010.** In the case of **Nicholas Kiptoo Arap Korir Salat -vs- Independent Electoral and Boundaries Commission & 7 others (2014) eKLR,** the Supreme Court of the Republic of Kenya established key principles as regards extension of time for filing of appeals.
8. In the instant application, it is the finding of this court that the same is steadfast and merited.
9. Accordingly, the application dated 3rd October 2025 is hereby allowed in terms of the prayers 2, 3, 4 ,5 and 6 therein as set out in paragraph 1 (a) (b) (c) (d) hereinabove.
10. The Applicant's counsel to file and serve a substantive application within the next twenty-one (21) days from this date for mention on 8th December 2025.
11. It is so ordered.

DATED and **DELIVERED** at **KAPSABET** this **3rd** day of
November 2025

HON. G M A ONGONDO

JUDGE

In the presence of;

1. Mr Dennis Sang Learned Counsel for the Applicant
2. Walter, Court Assistant