

**REPUBLIC OF KENYA**

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

**ELC MISCELLENOUS APPLICATION NO. E020 OF 2024**

**IN THE MATTER OF AN APPLICATION FOR ENFORCEMENT  
OF RULING/ORDER OF THE REGISTRAR UNDER SECTION 22  
OF THE LAND REGISTRARION ACT, 2012**

**BETWEEN**

**FAITH**

**JAMILA**

**NTHENGE.....APPLICANT**

**VERSUS**

**KANDEI**

**OLE**

**KATET**

**OLOILUNYA.....RESPONDENT**

**COUNTY SURVEYOR, KAJIADO COUNTY....1<sup>ST</sup> INTERESTED  
PARTY**

**COUNTY LAND REGISTRAR, KAJIADO  
COUNTY.....2<sup>ND</sup> INTERESTED  
PARTY**

## **RULING**

1. This **Ruling** is in respect of the **Notice of Motion** dated **3<sup>rd</sup> April 2024** brought **Pursuant to Section 13 of the Environment and Land Court Act , Section 1A, 1B and 3A of the Civil Procedure Act, Cap 21 Laws of Kenya.**

2. It seeks orders that;

**1) THAT the registered area for Land Reference Number KJD/Dalale Kutuk/2154 be amended to tally with the Registry Index Map and the Area List.**

**2) THAT the 1<sup>st</sup> and 2<sup>nd</sup> Interested Parties be and are hereby directed to mark the boundaries between Land Reference number KJD/Dalale Kutuk/2153, KJD/Dalale Kutuk/2154 in tandem with Order No.1.**

**3) THAT the OCS, Kajiado Police Station, do assist in enforcement of the above to ensure law and order is maintained.**

**4) THAT the Applicant's cost be borne by the Respondent.**

3. The grounds are on the face of the Application and are set out in paragraphs 1 to 9.
4. The Application is supported by the Affidavit of Faith Jamila Nthenge, the Applicant herein, sworn on the 3<sup>rd</sup> April 2024.
5. The 1<sup>st</sup> Respondent filed a Preliminary Objection dated 4<sup>th</sup> October 2024 which was dismissed vide the Ruling of this court dated 5<sup>th</sup> May 2025.
6. The Notice of Motion was canvassed by way of written submissions.
7. The Applicants submissions are dated 1<sup>st</sup> September 2025.
8. It appears the Respondent did not file any submissions.
9. I have considered the Notice of Motion, the affidavits in support and the annexures, the response thereto and the written submissions. The issue for determination is whether the Application was merited.
10. It appears the Land Registrar has rendered his decision on the boundary dispute. As the same was not challenged by the Respondent, ought to be implemented.
11. I find merit in the Notice of Motion dated 3<sup>rd</sup> April 2024 and the same is allowed in the following terms;

**a) THAT the registered area for Land Reference Number KJD/Dalale Kutuk/2154 be amended to tally with the Registry Index Map and the Area List.**

**b) THAT the 1<sup>st</sup> and 2<sup>nd</sup> Interested Parties are hereby directed to mark the boundaries between Land Reference number KJD/Dalale Kutuk/2153, KJD/Dalale Kutuk/2154 in tandem with Order No.1 within sixty (60) days from the date of this ruling.**

**c) THAT the OCS, Kajiado Police Station, do assist in enforcement of the above to ensure law and order is maintained.**

**d) THAT costs be borne by the Applicant.**

**Dated, Signed and Delivered virtually at Kajiado this 27<sup>th</sup> day of November 2025.**

**L. KOMINGOI**

**JUDGE.**

**IN THE PRESENCE OF:**

Ms. Anyanga for Mr. Orina for the Applicant.

Ms. Leisire for Mr. Nairi for the Respondent.

Court Assistant - Peter.

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