

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT KISII
ELCLC NO. E005 OF 2024

OBWOGE OMBEYO PLAINTIFF

=VERSUS=

MARY MOGERE ARORI,

ASSISTANT CHIEF ONYWERE SUB LOCATIONDEFENDANT

JUDGMENT

The plaintiff filed this suit on 25 April 2024, claiming that the defendant, an Assistant Chief, Onywere Sub-Location, interfered with the boundaries of his land parcel West Kitutu/Mwakibagendi/1403, disrupting a boundary that had earlier been fixed by the Land Registrar and Surveyor when he had another dispute with a third party.

The issue was referred to the Land Registrar and Surveyor to determine whether there was any interference with the earlier boundaries and a report dated 27 October 2025 was filed. Both parties are in agreement with the report of surveyor dated 27 October 2025 and agreed that the same may be adopted.

In finding No. 2 of the report, it is stated that the usage of the land is within the boundaries of the parcel as earlier fixed and no encroachment or shifting of the boundary was detected. In finding No. 3, it is stated that the ground measurement places the contentious boundary on the ground as earlier fixed and that this boundary is marked by dracaena plants.

That being the case I do not therefore see why the plaintiff complained against the defendant alleging that she fixed a new boundary and dispossessed him. As far as I can deduce from the report there was no shifting of the boundary nor

any new boundary fixed. The plaintiff's allegations were therefore baseless and I proceed to dismiss his case with costs to the defendant. Judgment accordingly.

DATED AND DELIVERED THIS 25 DAY OF NOVEMBER 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

Delivered in the presence of:

Mr. Soire for the plaintiff

Defendant present acting in person

Court Assistant – Michael Oyuko.