



# THE JUDICIARY



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MURANG'A**  
**ELCLC E005 OF 2023**

JOHNSON NDUNG’U NJAU..... PLAINTIFF/APPLICANT  
VERSUS  
MONICA WAMBUI GITAU.....1<sup>ST</sup> DEFENDANT/RESPONDENT  
COUNTY LAND SURVEYOR, MURANG’A COUNTY .....2<sup>ND</sup> DEFENDANT/RESPONDENT  
COUNTY REGISTRAR OF LANDS,  
MURANG’A COUNTY .....3<sup>RD</sup> DEFENDANT/RESPONDENT  
THE HON. THE ATTORNEY GENERAL.....4<sup>TH</sup> DEFENDANT/RESPONDENT

## **RULING**

- 1) This Ruling is on the way forward after the Land Registrar filed a report dated 1-5-2025 which can be summarized as follows.
  1. **Parcel No. Makuyu/Kimorori Block 3/21 is an undeveloped plot situated along the Embu-Nairobi Highway as indicated in map sheet number 6. It is therefore in its right position as was mapped in the 1<sup>st</sup> edition.**
  2. **Parcel of land No. Makuyu/ Kimorori Block 3/22 is an undeveloped vacant plot, and lies within map sheet number 3 and not anywhere along the Embu-Nairobi Highway.**
- 2) The above report was filed pursuant to a ruling of this Court dated 9-5-2024. I have seen the written submissions by the Plaintiff’s counsel dated 11-8-2025 in which he urges that the Court adopts the said report as its judgment. On the other hand, the 1<sup>st</sup> Respondent’s counsel disagrees with the report of the Land Registrar.
- 3) Having carefully considered the submissions by the learned Counsel for the parties as well as the record, I make the following finding. One, this dispute was made to look like a boundary dispute when it was not. Going by the report of the Land Registrar the two parcels in dispute do not abut each other. Two, even if the dispute related to a boundary this Court would not have any jurisdiction in view of Section 18(2) of the Land Registration Act which ousts the jurisdiction of this Court in boundary disputes.

Three, under regulation 40 of the Land Registration (General) Regulations, 2017 it is provided as follows at paragraph 6

***“Any party aggrieved by the decision of the Registrar made under paragraph (5) may within 30 days of the date of notification, appeal the decision to the Court.”***

Appeal is an option open to the party which is not satisfied with the decision of the Land Registrar.

Finally, the way forward is for the case to proceed to its logical conclusion as we now know that it is not a boundary dispute.

**It is so ordered.**

**Dated, signed and Delivered virtually at Murang'a this 17<sup>th</sup> day of December, 2025.**

**M.N. GICHERU  
JUDGE.**

**Delivered online in the presence of :-**

**Mwangi Njonjo - Court Assistant**

**Plaintiffs' Counsel – Miss Murage**

**1<sup>st</sup> Defendant's Counsel – Mr Gatungo**

**2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendant's Counsel - Absent**