



**Seva & 441 others v Criticos & 5 others (Environment and Land Petition E002 of 2024)
[2025] KEELC 18553 (KLR) (Environment and Land) (16 December 2025) (Ruling)**

Neutral citation: [2025] KEELC 18553 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT VOI
ENVIRONMENT AND LAND
ENVIRONMENT AND LAND PETITION E002 OF 2024
EK WABWOTO, J
DECEMBER 16, 2025**

BETWEEN

JUMA SEVA & 441 OTHERS & 441 OTHERS PETITIONER

AND

HON BASIL CRITICOS 1ST RESPONDENT

HE MAMA NGINA KENYAT'TA 2ND RESPONDENT

NATIONAL LAND COMMISSION 3RD RESPONDENT

**THE DIRECTOR LAND ADJUDICATION & SETTLEMENT ... 4TH
RESPONDENT**

THE CHIEF LAND REGISTRAR 5TH RESPONDENT

THE HON ATTORNEY GENERAL 6TH RESPONDENT

RULING

1. This Ruling is in respect to the 1st Respondent's application dated 23rd July 2025 and accompanied by a supporting affidavit sworn by Hon. Basil Criticos which application seeks for orders staying the proceedings in this suit pending the hearing and determination of contempt proceedings in Nairobi Judicial Review Misc Application No. E011 of 2023, Republic vs Chief Land Registrar, Nairobi & Attorney General Ex parte Hon. Basil Criticos & Another.
2. The Application was premised on the detailed grounds on its face. The Petitioners opposed the application vide grounds of opposition dated 21st October 2025.
3. It was contended by the 1st Respondent that the court in Nairobi JR No. E011 of 2023 delivered its judgment on 4th March 2024 to the effect that the Chief Land Registrar was ordered to process, execute



- and engross the certificates of title in respect to the suit property L.R No. 10287/7 and thereafter release the same to the 1st and 2nd Respondents herein within 30 days of delivery of the said judgment.
4. It was further contended that the Chief Land Registrar is yet to comply with the said orders and further he has proceeded to illegally subdivide the suit property which is the subject matter before this court and has also issued illegal titles other parties.
 5. It was averred that in view of the foregoing, the 1st Respondent has instituted contempt proceedings against the Chief Land Registrar which is due for ruling and hence these proceedings ought to be stayed pending the determination of the contempt proceedings lodged in Nairobi JR No. E011 of 2023. It was further averred that if stay is not granted there will be conflicting decisions being made relating to ownership of the same suit property.
 6. In opposing the application, the Petitioners argued that the application is misconceived, no exceptional circumstances have been shown to stay the proceedings, the pendency of stay proceedings in a judicial review matter does not automatically warrant the stay of proceedings, it has not been demonstrated how the outcome of the judicial review proceedings would affect this matter and further granting a stay of proceedings would lead to unnecessary delay of this matter.
 7. During the plenary hearing of the application Learned Counsel Mr. Obok made oral submissions on behalf of the 1st Respondent while Learned Counsel Mr. Kilumo made oral submissions on behalf of the Petitioners.
 8. Having considered the application and oral submissions made by counsel for the 1st Respondent and the Petitioners, the sole issue for determination is whether there should be a stay of these proceedings pending the hearing and determination of the contempt proceedings in Nairobi Judicial Review Misc. Application No. E011 of 2023, Republic vs Chief Land Registrar, A. G, Exparte Hon. Basil Criticos & Another.
 9. The general principles guiding the court when invited to stay proceedings are well captured in Halsbury's Law of England, 4th Edition, Vol 37 at pages 330 and 332 as follows:

“The stay of proceedings is a serious, grave and fundamental interruption in the right that a party has to conduct his litigation towards the trial on the basis of the substantive merits of his case, and therefore the court's general practice is that a stay of proceedings should not be imposed unless the proceedings beyond all reasonable doubt ought not to be allowed to continue.”
 10. This was affirmed in *Ferdinand Ndung'u Waititu vs Independent Electoral & Boundaries Commission (IEBC) & 8 others* [2013] eKLR as follows:

“A stay of proceedings involves arresting or stopping proceedings. It is a tool used to suspend proceedings to await the action of one of the parties in regard to some step or some act (see Black's Law Dictionary). This implies that the rationale for stay is the pendency of an act or step either required by the court or sought by a party. It may be grounded on a statutory provision or on the need of a party and based on a plea for the plenary exercise of the court's discretion.”
 11. Stay of proceedings primarily at the discretion of the court. Application of this discretion is to ensure prudent use of judicial time and resources to dispense justice for the parties and guard against multiplicity of applications which are meant to delay the pursuit of justice. Undoubtedly, it is a serious judicial action which greatly interferes with the right of a litigant to conduct his litigation.



12. Guided by the foregoing authorities, this Court turns to the circumstances of the present case. It is not in dispute that the court in Nairobi JR No. E011 of 2023 delivered its judgment which was not complied with and now the 1st Respondent has filed an application for contempt against the Chief Land Registrar in the said matter.
13. It is the court's position that the said contempt proceedings do not affect the proceedings in this matter in any way, the Petitioners are not parties to the same and neither have they applied to be joined as parties. Further the 1st Respondent has not been demonstrated at this stage how the outcome of the judicial review proceedings would affect this matter and further granting a stay of proceedings would only lead to unnecessary delay of this matter.
14. The provisions of Article 159(2)(a)(b)(c) and (d) of *the Constitution* of Kenya as read with Sections 1A and 1B of the *Civil Procedure Act*, Cap 21 enjoin this court to foster and facilitate the overriding objective of the Act to render justice to parties in all proceedings in an expeditious manner.
15. The Court finds no exceptional or compelling circumstances to justify the grant of stay of proceedings herein.
16. In conclusion therefore, this court finds that the Notice of Motion dated 23rd July 2025 is devoid of merit and the same is hereby dismissed. Each party to bear own costs of the application.

DATED, SIGNED AND DELIVERED VIRTUALLY AT VOI THIS 16TH DAY OF DECEMBER 2025.

E. K. WABWOTO
JUDGE

