



Chepng'ok & 3 others (Petitioning on Behalf of Members of the Ndorobo Community Registered as Kiboroa Self - Help Group) v National Land Commission & 4 others (Environment and Land Petition 1(B) of 2024) [2026] KEELC 285 (KLR) (28 January 2026) (Ruling)

Neutral citation: [2026] KEELC 285 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND PETITION 1(B) OF 2024
CK NZILI, J
JANUARY 28, 2026**

BETWEEN

**CALEB KIPTOO CHEPNG'OK 1ST PETITIONER
DAVID KESHAN NAIBEI 2ND PETITIONER
JOHN SIKOI MASAI 3RD PETITIONER
VINCENT KAMWANDIL NDIEMA 4TH PETITIONER
PETITIONING ON BEHALF OF MEMBERS OF THE NDOROBO
COMMUNITY REGISTERED AS KIBOROA SELF - HELP GROUP**

AND

**NATIONAL LAND COMMISSION 1ST RESPONDENT
AGRICULTURAL DEVELOPMENT CORPORATION 2ND RESPONDENT
KENYA FOREST SERVICES 3RD RESPONDENT
CABINET SECRETARY, MINISTRY OF LANDS 4TH RESPONDENT
THE HON. ATTORNEY GENERAL 5TH RESPONDENT**

RULING

1. By a judgment dated 17/6/2025, the court directed that the petitioners' complaint Ref. No. NLC/HL1/593/2019, be heard within 6 months by the 1st respondent. The National Land Commission complied with the said order and filed its determination dated 13/11/2025 and gazetted on 14/11/2025 before the court.



2. The petitioners urge the court to adopt the award as a decree of the court, which the 2nd respondent to the petition is opposed to through written submissions dated 18/12/2025. The National Land Commission has made recommendations in line with Sections 14 and 15 of the [National Land Commission Act](#).
3. Section 15(1) of the Act provides that, upon a determination of a historical land injustice claim by the Commission, any authority mandated to act under the redress recommended shall be required to do so within 3 years.
4. Rules 27 and 28 of the [National Land Commission Act](#). (Investigations of Historical Land Injustices/ Regulation 2017) provides that the decision must be published in the Kenya Gazette and, within 21 days, furnished to the authorities responsible for redress recommended, for appropriate action. Rule 29 provides that any aggrieved party by the decision, within 28 days from the publication of the decision, may appeal to the court.
5. The court notes that other than a further affidavit sworn on 8/12/2025 and submissions by the 2nd respondent, there is no pending formal application for the adoption of the award as a decree of the court. Equally, there is no evidence that the appropriate authorities set out under the law have failed to act on the recommendations within the stipulated 3 years, for the court to act otherwise. Additionally, there is no evidence of a pending appeal within the stipulated 28 days, filed by the aggrieved parties, including the 2nd respondent, to form a basis for its opposition to the adoption of the award.
6. The court became functus officio the moment it pronounced its judgment, which has now been acted upon. The upshot is I find no basis to grant any other reliefs in favour of either the petitioners or the 2nd respondent.
7. This file is marked as closed.
8. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 28TH DAY OF JANUARY 2026.

HON. C.K. NZILI

JUDGE, ELC KITALE.

In the presence of:

Court Assistant - Dennis

Petitioners - present

Miss Auta for the 2nd respondent - present

Obino for the 1st respondent - absent

Hon. Attorney General for the 3rd and 4th respondents absent.

