



M’Muraga & another v DCC Tigania Central Sub-County; Wairimu (Sued as the legal representatives of the Estate of John Nduati - Deceased) (Interested Party) (Environment and Land Judicial Review Case E023 of 2025) [2026] KEELC 658 (KLR) (9 February 2026) (Ruling)

Neutral citation: [2026] KEELC 658 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E023 OF 2025
BM EBOSO, J
FEBRUARY 9, 2026**

BETWEEN

JACOB M’LIBURU M’MURAGA 1ST APPLICANT

SAMUEL MBITI LIBURU 2ND APPLICANT

AND

DCC TIGANIA CENTRAL SUB-COUNTY RESPONDENT

AND

LUCY WAIRIMU (SUED AS THE LEGAL REPRESENTATIVES OF THE ESTATE OF JOHN NDUATI - DECEASED) INTERESTED PARTY

RULING

1. Before court for determination is the chamber summons dated 10/120/2025. Through it, the ex-parte applicants seek leave of the court under Order 53 rule 1 of the Civil Procedure Rules to initiate judicial review proceedings to obtain an order of certiorari to remove into this court and quash the decision of the Minister rendered on 17/7/2025 in Appeal No. 209 of 2024 under Section 29 of the [Land Adjudication Act](#). The appeal related to parcel number 6554, Giithu Adjudication Section.
2. The ex-parte applicants also seek an order staying implementation of the said decision. The respondent does not oppose the application. The interested party, too, does not oppose the application
3. In the absence of any opposition, the plea for leave will be granted. The plea for stay of implementation will also be granted. Consequently, the application dated 10/12/2025 is allowed in the following terms:
 - a. The ex-parte applicants are granted leave in terms of prayer (i).



- b. The substantive motion shall be filed and served within 21 days. In default, the above leave shall lapse.
- c. Subject to compliance with (b) above, the above leave shall operate as an order staying implementation of the Minister's decision dated 17/7/2025 in Appeal No. 209 of 2024.
- d. Unless extended by this court, the stay order shall lapse on expiry of 9 months from today.

DATED, SIGNED AND DELIVERED AT MERU THIS 9TH DAY OF FEBRUARY, 2026.

B M EBOSO [MR]

ELC JUDGE

In the presence of:

Ms Mugo for the Applicants.

Ms Wairimu for the Respondent.

Interested Party – Present in person.

Court Assistant – Mr. E. Tupet

