

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT KAJIADO**

**ELCLC CASE NO. E108 OF 2025**

GEORGE NGURE KARIUKI (c/o MUKUIYA -  
NGOTHO ASSOCIATES  
ADVOCATES).....PLAINTIFF/APPLICANT

AGAINST

JOSEPH WAITUGI BIARU.....1<sup>ST</sup>  
DEFENDANT/RESPONDENT

KILI OLE SANKAIRE.....2<sup>ND</sup>  
DEFENDANT/RESPONDENT

**RULING**

1. When the Plaintiff and the 2<sup>nd</sup> Defendant appeared before the court on 18<sup>th</sup> February 2026, they both, through their Advocates, expressed the need for the District Surveyor and the Land Registrar to be involved in the resolution of the dispute herein.
2. I have carefully perused the pleadings by the parties. The dispute is essentially between the Plaintiff and the 2<sup>nd</sup> Defendant. Whereas the Plaintiff accuses the 2<sup>nd</sup> Defendant of leasing his property to the 1<sup>st</sup> Defendant, the 2<sup>nd</sup> Defendant in his defence, particularly at paragraph 5 thereof, insists that what he has

leased the 1<sup>st</sup> Defendant is the parcel of land known Kajiado/Olchoro-Onyore/40824 measuring 21.77 ha and not the Plaintiff's parcels of land Kajiado/Olchoro-Onyore/3448 nor Kajiado/Olchoro-Onyore/3449.

3. The court agrees with the parties that the intervention of particularly the District Surveyor is necessary to point out the parcels of land Kajiado/Olchoro-Onyore/3448, 3449 and 40824 and establish whether what the 2<sup>nd</sup> Defendant has leased to the 1<sup>st</sup> Defendant forms part of the Plaintiff's land as alleged. That will essentially settle the dispute herein.
4. The court therefore directs the District Land Surveyor, Kajiado West, to visit the site in the presence of the parties and or their surveyors and establish the situation on the ground and file a report in this court in the next **sixty (60) days** from today's date.
5. The parties (Plaintiff and 2<sup>nd</sup> Defendant) shall meet the costs of the survey exercise jointly.

**Dated Signed and Delivered at Kajiado Virtually this 19<sup>th</sup> Day of February 2026.**

**M.D. MWANGI  
JUDGE**

**In the virtual presence of:**

Ms. Ngotho for the Plaintiff

Ms. Masomi for the 2<sup>nd</sup> Defendant

Mr. Mwiti for the 1<sup>st</sup> Defendant

Court Assistant: Mpoye

**M.D. MWANGI**  
**JUDGE**

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