



**Nthatu & another v Director Land Adjudication and Settlement Officer & 5 others;
Karikamburi Primary School & 4 others (Interested Parties) (Environment and Land
Petition E001 of 2024) [2026] KEELC 1138 (KLR) (24 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 1138 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
ENVIRONMENT AND LAND PETITION E001 OF 2024
BM EBOSO, J
FEBRUARY 24, 2026**

BETWEEN

JOHN KAMAKIA NTHATU 1ST PETITIONER

EZEKIEL MAGOCHI NTHATU 2ND PETITIONER

AND

**THE DIRECTOR LAND ADJUDICATION AND SETTLEMENT
OFFICER 1ST RESPONDENT**

**THE LAND ADJUDICATION AND SETTLEMENT OFFICER, THARAKA
NORTH 2ND RESPONDENT**

**THE LAND ADUDICATION AND SETTLEMENT OFFICER, GATUNGA
ADJUDICATION SECTION 3RD RESPONDENT**

THE DISTRICT LAND REGISTRAR, GATUNGA 4TH RESPONDENT

DIRECTOR, SURVEY 5TH RESPONDENT

THE HON ATTORNEY GENERAL 6TH RESPONDENT

AND

KARIKAMBURI PRIMARY SCHOOL INTERESTED PARTY

SECONDARY SCHOOL INTERESTED PARTY

TRUSTEES INTERESTED PARTY

SIMON MUTHENGI INTERESTED PARTY

JACOB KATHENGE INTERESTED PARTY



RULING

(Ex-Tempore)

1. The court has considered the petitioners' oral request for viva voce evidence in this petition. This petition challenges awards made by adjudicatory organs established under the [Land Adjudication Act](#). Jurisdiction to make merit determinations on questions relating to ownership of land that is the subject of adjudication under the [Land Adjudication Act](#) is vested in various ownership dispute resolution organs established under the Act. This court only exercises jurisdiction to deal with disputes relating to procedure.
2. Given the above context, the court cannot see a proper basis for the petitioners' insistence on viva voce hearing of the petition. The view of the court is that the petitioners can properly ventilate their case through affidavit evidence and written submissions.
3. In this regard, the petitioners will have leave to file two supplementary affidavits relating to the two parcels to ventilate whatever additional issues they wish to ventilate. The plea for viva voce evidence is rejected.

DATED, SIGNED AND DELIVERED AT CHUKA THIS 24TH DAY OF FEBRUARY, 2026.

B M EBOSO [MR]

JUDGE

In the Presence of:

Mr. Kithinji for the Petitioners

Mr. Mugambi Nyaga for the Respondents and for the 1st and 2nd Interested Parties.

Mr. Wachira for the 4th and 5th Interested Parties.

3rd Interested Party – Absent

Court Assistant – Nelly

