



**Kamau v Munyoki & another (Environment and Land Case  
E082 of 2024) [2026] KEMC 42 (KLR) (15 January 2026) (Judgment)**

Neutral citation: [2026] KEMC 42 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
ENVIRONMENT AND LAND CASE E082 OF 2024  
PA NDEGE, SPM  
JANUARY 15, 2026**

**BETWEEN**

**SAMUEL NGOTHO KAMAU ..... PLAINTIFF**

**AND**

**EMMANUEL MWONGELA MUNYOKI ..... 1<sup>ST</sup> DEFENDANT**

**LAND REGISTRAR NAKURU ..... 2<sup>ND</sup> DEFENDANT**

**JUDGMENT**

1. Before this court for determination is the Plaintiff's suit filed vide a Plaint on 11/04/2024 seeking the following reliefs: -
  - a. A declaration that the plaintiff is the legal and registered owner of the parcel of land known as Nakuru/ Municipality Block 15/801 measuring approximately 0.04 ha in Nakuru county.
  - b. An order for cancellation of the title registered in the names of the 1<sup>st</sup> Defendant.
  - c. Costs of the suit
  - d. Any other relief this honorable court deems fair and just.
2. The Defendants were duly served with the summons to enter appearance together with the accompanying pleadings where they entered appearance through the firm of Noah Onsomu & Company Advocates for the 1<sup>st</sup> Defendant and the Attorney General for the 2<sup>nd</sup> Defendant, nevertheless, they chose not to participate in the hearing of the matter.
3. During the hearing, the plaintiff adopted his witness statement dated 05/03/2024 as his evidence-in-chief. The same was admitted as PEXH. NO.1. He stated that he is the legal owner (lessee) of all that parcel of land known as Nakuru/ Municipality Block 15/801 having been allotted the same in the year 1996. The allotment letter dated 01/087/1996 was admitted as PEXH. No. 3. Later on the plaintiff



was issued with a lease and a certificate of lease in his name on 23/04/2009. The same was produced as PEXH. NO. 18. The plaintiff testified that he was in occupation of the subject land and even produced the rate payment invoices in favour of the county council. The plaintiff indicated that the 1<sup>st</sup> Defendant had gone to the DCIO complaining about the plaintiff's title. That the DCIO wrote letter cancelling the plaintiff's title but that the same was revoked by the High Court in Judicial Review E006 Of 2022 (republic Vs Odpp & 2 Others). That the county government confirmed that the plaintiff was the owner of the land parcel. That the 1<sup>st</sup> Defendant was given a chance to prove that he was the owner of the land or how he got his title but failed to do so.

4. The above evidence has not been challenged in any way. There was no evidence presented by the defendant to controvert the same. I thus do hereby rely on the same to find that the plaintiff has been able to prove his case against the defendants to the required standard and do hereby allow the suit as prayed with costs.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 15<sup>TH</sup> DAY OF JANUARY ,2026**

**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Plaintiff's Counsel: Nyabuto h/b Gatheca

1<sup>st</sup> Defendant's Counsel: n/a

2<sup>nd</sup> Defendants Counsel: n/a

Plaintiff: n/a

1<sup>st</sup> Defendant: n/a

