

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NYAHURURU

ELC NO. E014 OF 2025

**ELIJAH NKRINO LEPARTELET (Suing on his behalf and as
Legal Representative of the Estate of NAMEDE
LEPARTELEG & 7 OTHERS.....
.....PLAINTIFFS**

VERSUS

**SIRATA OIROBI GROUP RANCH & 15
OTHERS....DEFENDANTS**

RULING

1. Before me is a notice of motion application dated 25.9.2025 filed contemporaneously with the suit. The plaintiffs seeks the following orders;

“a) That pending the hearing and determination of the suit, the County Land Registrar, Samburu County be restrained from issuing title deeds for Parcels No. 1967, 1964, 1971, 1994, 2017,

1856, 2051 and 1434 within Sirata Oirobi Group Ranch to the 5th - 15th defendants.

b) That pending the hearing and determination of this suit, temporary injunction do issue restraining the defendants by themselves, their agents, servants and/or family members from entering, remaining, alienating, erecting structures and fence and/or in any other way interfering with Parces No. 1967, 1964, 1971, 1994, 2017, 1856, 2051 and 1434 within Sirata Oirobi Group Ranch adjudication section”.

2. The application is premised on grounds on the face of the application and the supporting affidavit of the 1st plaintiff. They aver that they are members of the Sirata Oirobi Group Ranch whereby their names were in the official register. That in a meeting held on 26.9.2021, they verified the entries in the area list and confirmed that their names, parcel numbers and sizes were in

order. However, they later came to learn that the area list presented at the land registry was altered whereby their parcels were given to the 5th-15th defendants, yet they were not consulted or given a hearing. They contend that the aforementioned defendants are yet to take up possessions of the affected parcels.

3. The application was served, but no response was filed.

Should the application then be allowed? A court of Law has a duty in principle to look at what an unopposed application is all about and what it seeks. It is not automatic that for any unopposed application, the Court will as a matter of course grant the sought orders. See **Gideon Sitelu Konchellah v Julius Lekakeny Ole Sunkuli & 2 others [2018] Eklr.**

4. In the case at hand, the applicants aver that they had verified the area list and had confirmed that their details regarding names, parcel numbers and sizes were in order, only to learn later that the list was altered. In that regard, I find that the applicants have established a basis for the issuance of the orders in prayer 4.

5. However, on occupation, this court takes cognizance of the fact that land use, utilization and possession in a group ranch is factored on communal basis until the dissolution thereof after the members get individual titles. The transition of individual tenure holding has not been completed, and the court does not have sufficient material to indicate which member of the group is occupying which portion.

6. In light of the foregoing analysis, the application is partially allowed in terms of prayer 4 only. Costs thereof shall abide the outcome of the suit.

**DATED, SIGNED AND DELIVERED AT NYAHURURU
THIS 16th DAY OF APRIL 2026 THROUGH MICROSOFT
TEAMS.**

**LUCY N. MBUGUA
JUDGE**

In the presence of:

Bedan/Vanessa - Court Assistants

Gakenia Gacheru holding brief for Waicungo

Martin for

Plaintiffs

Lungwe for Defendants

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