



Matoke v Kenya Commercial Bank Limited & 2 others (Environment and Land Case 127 of 2017) [2026] KEELC 2440 (KLR) (29 April 2026) (Ruling)

Neutral citation: [2026] KEELC 2440 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND CASE 127 OF 2017**

CK NZILI, J

APRIL 29, 2026

BETWEEN

JEREMIAH MATOKE PLAINTIFF

AND

KENYA COMMERCIAL BANK LIMITED 1ST DEFENDANT

WILLIAM WILHITE ANYENDA 2ND DEFENDANT

AND

THE CHIEF LAND REGISTRAR NAIROBI LAND REGISTRY .. RESPONDENT

RULING

1. Through a notice of motion dated 2/2/2026, the plaintiff seeks the court to order Title No. Trans Nzoia/Kaplamai/Kachibora Block 14/30 issued to him on 24/9/2025 by the Land Registrar be recalled and deposited in court for cancellation. The reasons are contained on the face of the application and in a supporting affidavit of Jeremiah Matoke, sworn on 2/2/2026.
2. The applicant deposes that he purchased from the 2nd defendant 10 acres of land out of L.R. No. 7847/4 as per annexure marked JM-(1). The applicant deposes that in the judgment which was not appealed against and an amended decree, the transfer was clear that he was to be issued with a title deed for L.R. No. 7847/7 and not Trans Nzoia/Kaplamai/Kachibora Block 14/30, as per the documents served in Nairobi on 5/7/2023.
3. The applicant deposes that the title deed issued to him does not contain his full name as per the transfer form signed by the Deputy Registrar on 13/6/2019, as per Form LRA 9 and the amended decree. The applicant says that the orders sought are necessary to break a deadlock and to enable him to enjoy the fruits of his judgment; otherwise, the title deed issued did not align with or agree with the court's decree,



- rendering the title illegal. The applicant deposes that the title deed issued has no direct link to him, and therefore, he is apprehensive that in the future, he may be unable to explain the root of his title.
4. The application is opposed by a replying affidavit of Philip Makini, the County Land Registrar, Trans Nzoia, dated 21/2/2026. He says that he presented before the court the original title deed dated 3/11/2023, following the applicant's post-judgment application, which the applicant collected and signed his name against the dispatch register.
 5. The respondent deposes that the parcel of land known as Trans Nzoia/Kaplamai/Kachibora Block 14/30, also known as Jasho Farm, is a resultant subdivision following conversion from the original Registration of Titles Act (repealed), initially L.R. No. 7847/7, which is no longer in active use.
 6. The Land Registrar deposes that all title deeds issued under the repealed Registration of Titles Act were converted under the [Land Registration Act](#) and therefore, the current [Land Registration Act](#) title deed reflects the conversion, making the applicant's reliefs untenable.
 7. The Land Registrar deposes that the converted titles were issued to all owners as per the ownership list surrendered together with the original title deed, under the repealed Registration of Titles Act.
 8. Regarding the names, the Land Registrar deposes that the applicant ought to have brought it to his attention through a formal application for correction of the names in an administrative manner.
 9. Conversion and migration of titles from the repealed fragmented land registration system in Kenya is a creature of Article 68 of the [Constitution](#), the [Land Act](#), and the [Land Registration Act](#).
 10. The Land Registration (Registration Units) Order, 2017, provides for the creation of registration units and procedures for conversion. The Land Registration (General) Registration Regulations, 2017, outline processes for conversion and migration. The Survey (Electronic Cadastral Transactions) Registrations, 2020, support the digitization of mapping and cadastral records.
 11. The [Sectional Properties Act](#), 2020, governs the conversion of long-term leases to sectional titles. Lastly, the [Physical and Land Use Planning Act](#), 2019, integrates planning with registration. The repealed legal regimes that necessitated conversion include the Government [Land Act](#), Cap 280, Registration of Titles Act, Cap 281, the Land Titles Act, Cap 282, and the Registered [Land Act](#), Cap 300.
 12. Conversion, therefore, refers to the statutory process of changing the old title number issued under the repealed statutes into a uniform format under the [Land Registration Act](#). Migration, on the other hand, refers to the transfer of all land records, including proprietorship details, encumbrance, and supporting documents from the old registers to the new unified register. Of note is that the conversion and migration shall not alter the size, ownership, or interests in the land, other than updating registration for formalities and records.
 13. The other aspect is that Registry Index Maps (RIM) shall, in the migration and conversion, replace deed plans as the instruments of registration. RIM, unlike deed plans capture wider areas, hence reducing fraud risks.
 14. The procedure of conversion is governed by Section 6 of the [Land Registration Act](#) and Regulations 4-9 of the Land Registration (General) Regulations, 2017. It involves the preparation of cadastral maps, and conversion lists, publication of the same in the Kenya Gazette, objection and review period, closure of old registers and opening of new registers, and lastly the application for title replacement.
 15. The benefits of title conversion include:
 - a. Enhanced security of tenure to avoid fraudulent titles.



- b. Uniform system where titles are registered under one legal regime.
 - c. Digitization, which ensures that titles are stored securely and are accessible online.
 - d. Efficient transactions, through simplifying transfers, charges, and leases.
 - e. Alignment with Article 68 of the *Constitution*.
16. Despite the challenges facing conversion and migration, such as delays, backlogs, third-party interests, public awareness, technical hurdles, and balancing of the records, conversion is a transformative reform in Kenya's land governance.
 17. The application before me is yet another confirmation that indeed there is a need for Kenyans generally and, in particular, litigants such as the applicant, to be sensitized on the process of conversion and migration.
 18. The Land Registrar, in his replying affidavit, has answered to the concerns of the applicant, and so does this ruling. The court notes that the conversion may have occurred while this suit was pending. Perhaps the Land Registrar should have shared with the court and the applicant when this process with respect to his title happened.
 19. Access to information held by the state is a constitutional right. The applicant and many other Kenyans owning land should be able to access information on the conversion and migration of titles from the old land registration regime to the new legal regime.
 20. The upshot is that I find no basis to recall and cancel the title deed, which was issued in furtherance of this court's decree to the applicant, on 24/9/2025.
 21. The applicant is at liberty to make a formal application to the Land Registrar for the correction of the name in the title register. There will be no order as to costs.
 22. File marked closed.
 23. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 29TH DAY OF APRIL 2026.

In the presence of:

Court Assistant - Dennis

Miss Mutomi for the 3rd respondent present

Mr. Kiarie for the 2nd respondent present

Matoke in person present

HON. C.K. NZILI

JUDGE, ELC KITALE.

