

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**HUMAN RIGHTS AND CONSTITUTIONAL DIVISION**

**CONSTITUTIONAL PETITION NO.E290 OF 2026**

**FAITH MWENDE MASAI.....**  
**.....PETITIONER**

**VERSUS**

**THE NATIONAL HOUSING CORPORATION.....1<sup>ST</sup> RESPONDENT**

**THE INSPECTOR GENERAL.....2<sup>ND</sup>**  
**RESPONDENT**

**THE ATTORNEY GENERAL .....3<sup>RD</sup> RESPONDENT**

**AND**

**LUCAS OLUOCH.....INTERESTED**  
**PARTY**

**RULING**

1. This matter came for directions on a certificate of urgency on 8/5/2026 and the court directed the petitioner/applicant to serve the respondents and interested party forthwith for interpartes directions today to address the court

on the question of jurisdiction of this court, considering the nature of the claim by the petitioner and the reliefs sought.

2. The petitioner's counsel is before court this morning although he has not served the respondents and the interested party with the petition and the application for conservatory orders.
3. The court has asked counsel to address the court on the questions of jurisdiction of this court to hear and determine the petition, in view of the provisions of Article 162(2) (b) of the Constitution, considering that the petitioner seeks reliefs, among others the right to occupy the house in which she is in occupation and having rented it from the interested party.
4. She claims that when she was invaded by the 1<sup>st</sup> and 2<sup>nd</sup> respondent's agents who wanted to evict her on the ground that the house belongs to the 1<sup>st</sup> respondent, she contacted her landlord the interested party herein who disowned the eviction and claimed that the house belongs and or is owned by him. No doubt, there are issues of the right to occupy and ownership rights of the interested party herein being advanced.
5. That being the case, and in view of the jurisdiction of the Environment and Land Court as conferred by Article 162 (2) (b) of the constitution, which is to hear and determine disputes relating to the environment and the use and occupation of and title to land; as read with Article 165(5) (b) of the

Constitution expressly ousting jurisdiction of the High Court from hearing and determining disputes exclusively reserved for the Supreme Court and the courts contemplated in Article 162(2) of the constitution.

6. I am persuaded that this court is devoid of jurisdiction to hear and determine the petition, whether it is seeking to declare rights of occupation or to quash the decision to evict the petitioner from the premises being House No. 950, Phase 6 Block 91 NHC Langata, which the petitioner claims to have leased from the interested party herein Mr. Lucas Oluoch since 2021.
7. Therefore, as to what orders this court should make, having found that this court is devoid of jurisdiction, I down my tools and direct that the petition be transferred to the Environment and Land Court the court of equal status with the High Court for further directions in the matter. From the High Court end, the file is closed.

**Dated, Signed and Delivered at Nairobi virtually this 11<sup>th</sup> Day of May, 2026**

**R.E ABURILI**

**JUDGE**