



REPUBLIC OF KENYA



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**Kironua & 8 others v Director Land Adjudication and Settlement & 3 others;
Siamito & 9 others (Interested Parties) (Environment and Land Judicial Review
Case E005 of 2023) [2025] KEELC 5457 (KLR) (17 July 2025) (Judgment)**

Neutral citation: [2025] KEELC 5457 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E005 OF 2023
LC KOMINGOI, J
JULY 17, 2025

BETWEEN

DANIEL KOIKAI KIRONUA 1ST EX PARTE APPLICANT
PARMERES NINA 2ND EX PARTE APPLICANT
SHAPAPA MPAPA 3RD EX PARTE APPLICANT
JOSHUA LENGETESARBABI 4TH EX PARTE APPLICANT
KOILEKEM SEMPETA 5TH EX PARTE APPLICANT
MEIBUKO MOSILA 6TH EX PARTE APPLICANT
TOBIKO NKULANA 7TH EX PARTE APPLICANT
MASHIPEI TIRATI 8TH EX PARTE APPLICANT
SINJALE OLE KANORE 9TH EX PARTE APPLICANT

AND

THE DIRECTOR LAND ADJUDICATION AND SETTLEMENT 1ST
RESPONDENT
MR STEPHEN G MAYAKA, REGISTRAR OF GROUP REPRESENTATIVES IN
THE DIRECTORATE OF LAND ADJUDICATION & SETTLEMENT OFFICE
NAIROBI (IN PERSON) 2ND RESPONDENT
THE KAJIADO LAND ADJUDICATION & SETTLEMENT
OFFICER 3RD RESPONDENT
THE HON ATTORNEY GENERAL 4TH RESPONDENT

AND



LESHONKO NKONERI SIAMITO	INTERESTED PARTY
SARUNI MPAPA NAKOYO	INTERESTED PARTY
JACKSON NTUYOTO MARASUA	INTERESTED PARTY
RAIGOT MASERI	INTERESTED PARTY
JOSEPH KARANTEI NKONYEK ONGUAN	INTERESTED PARTY
TOBIKO SHAANKWA	INTERESTED PARTY
LEKITONY SAITOTI	INTERESTED PARTY
SETEI LARMOI	INTERESTED PARTY
LEMARON MUTENTE NKAISERRI	INTERESTED PARTY
NKAITOLE MARORO	INTERESTED PARTY

JUDGMENT

1. This Ruling is in respect to the Notice of Motion application dated 21st November 2023 brought under Order 53 Rule 3 of the [Civil Procedure Rules](#) and all other enabling provisions of the law. It seeks:
 - i. Judicial Review orders of certiorari to remove into court and have quashed the Certificate of Incorporation of Representatives of Mailua Group Ranch purportedly issued by the Registrar of Group Representatives Mr. Stephen G. Mayaka under the office of the Director Land Adjudication and Settlement issued on 6th October 2023 purportedly designating the Interested Parties as the Representatives of Mailua Group Ranch for being illegal, null and void and issued illegally and in Contempt of the Courts Orders and without due and proper process and being an Administrative action in violation of court orders, the [Constitution](#) and the relevant statutes.
 - ii. Judicial Review Orders of prohibition to prohibit the respondents being the Director Land Adjudication and Settlement and the Registrar Group Representatives from interfering with the operations of Mailua Group Ranch and the applicants as its representatives by arbitrarily calling for meetings elections and allegedly supervising its operations outside the orders and Directions of the court as issued in Kajiado HCT JR Application 1 of 2015, [Now Kajiado JR 968 of 2017] and in Kajiado JR APP No. 009 of 2021, the [Constitution](#) of Kenya and the relevant statutes.
 - iii. Costs of this motion be borne by the Respondents in any event.
2. The grounds are on the face of the application and are set out in paragraphs 1 to 4. The same is supported by the sworn Affidavit of Daniel Koikai Kironua dated 21st November 2023 and the Further Affidavit sworn on the 26th November 2024. He depones that he is the duly elected Chairman of Mailua Group Ranch. That after the elections, they asked the Interested Parties herein who were the former officials of the Group Ranch for handover of office materials including the membership register, title deeds, books of accounts and other reports. The officials failed to handover the said documents and instead, filed JR No. 968 of 2017 [formerly JR No. 1 of 2015] against the Ex parte applicants herein, challenging the election and mandate. He avers that the Court dismissed the suit and ordered the handover of the documents of the Group Ranch to the County Land Adjudication & Settlement Officer. The Interested parties then filed an Appeal at the Court of Appeal, which they later withdrew.



- The former officials then moved to the Director Land Adjudication and Settlement officer who called for a meeting in an attempt to resolve the dispute, which had already been resolved by the Court.
3. The *Ex Parte* Applicants through their advocate wrote a letter dated 16th December 2020 to the Land Adjudication and Settlement officer and a meeting was convened by the 2nd Respondent. The resolutions of the meeting included: handover of the documents of the Group Ranch by the Interested Parties, all Court orders to be adhered to, all Court cases to be withdrawn, and then an Annual General Meeting would be held. The former officials failed to adhere to this resolution as well as the Court's order and the Ex Parte Applicants then moved to cite them for contempt. In a letter dated 16th November 2021, the 2nd Respondent, S.G. Mayaka suspended the activities of the Group Ranch and called a Special General Meeting on 16th December 2021. The Ex parte Applicants questioned this decision as it had no basis in law. In response, they wrote a letter and also held a meeting with him on 8th December 2021 where he promised to withdraw his letter calling for a Special General Meeting. When he did not withdraw the letter, the Ex parte Applicants moved the Court through JR Application No. 009 of 2021 where they obtained interim orders of injunction.
 4. While the orders were in place, the 2nd Respondent in a letter dated 22nd September 2023 called for elections to be conducted on 5th October 2023. He notified the County Land Adjudication Officer of the said elections. The 2nd Respondent then, went ahead and carried out the said elections without there being a proper Annual General Meeting and went ahead to issue the Interested Parties with a Certificate of Incorporation. All this was done despite the existence of valid Court orders, which was an act of contempt against the Court and ought to be punished. They therefore urge that the reliefs sought be granted.
 5. The 1st, 2nd, 3rd and 4th Respondents in their Replying Affidavit dated 26th January 2024, sworn by Stephen G. Mayaka, the Registrar of Group Representatives- Land Adjudication and Settlement Office, contested this application as follows. He stated that the Mailua Group Ranch, which was incorporated in 1978, conducted elections on the 29th October 2015 where the former officials were elected into office. On 5th October 2023 another set of elections was carried out and the Ex Parte Applicants herein ceased to be officials. That after the elections, a Certificate of Incorporation was issued as per Section 7[2] and 11 of the *Land [Group Representatives] Act*. He indicated that the Act mandated the Group Representatives Registrar to supervise the administration of Group Ranches and had adhered to that role as per the Act. It is his case that the Ex Parte Applicants had failed to tender evidence of any acts of illegality. He urged the court to dismiss the Application.
 6. The substantive motion was canvassed by way of written submissions.

Submissions of the Ex parte Applicants

7. Counsel submitted an administrative decision can be challenged on illegality, irrationality or procedural impropriety as in this case with reference to *Republic vs Ethics and Anti-Corruption Commission Ex-Parte Nairobi City County Assembly* & 13 Others [2019] eKLR. It was submitted that on 8th December 2016 the Court, in ELC JR 968 of 2017 issued a judgment. It ordered that the Applicants in that JR being the outgoing officials [now Interested Parties] do deposit the Group Ranch Records and Instruments with the Kajiado Land Adjudication and Settlement officer, who was to oversee the smooth transition and adoption of the {Constitution of Mailua Group Ranch. Thereafter, a Special General Meeting was called to adopt the Treasurers Report, the Groups Finances, Assets and Liabilities to set the Ranch on a proper Management trajectory. These documents was never deposited and the Ex Parte Applicants applied for contempt orders against the former officials. While



the contempt application was pending, together with other Court orders, elections were held without notice and the Interested Parties herein were issued with a Certificate of Incorporation.

8. The elections was questioned on grounds that it did not adhere to the Court order, no Annual General Meeting was conducted, there was no list of members who participated in the Annual General Meeting, there was no information of the persons who presided over the elections or list of the candidates. The certificate of incorporation issued on 6th October 2023 should therefore be quashed and parties ordered to adhere to the orders in JR 968 of 2017.

Submissions of the 1st – 4th Respondents

9. Counsel submitted that the only issue for determination was whether the Respondents acted illegally, ultra vires and in excess of its powers. It was submitted that the orders of Prohibition and Certiorari, being judicial review Orders, could only be issued where the Applicant shows that the Respondent acted contrary to the recognised grounds for of judicial review orders as held in *Pastoli V Kabale District Local Government Canal & Others* [2008] 2EA and in *Municipal Council of Mombasa vs Republic Umoja Consultants Ltd* [2012] eKLR where the Court held: “The court would only be concerned with the process leading to the making of the decision. How was the decision arrived at. Did those who made the decision have power i.e. Jurisdiction to make it...”
10. It was submitted that the Respondent did not act in excess of its powers, because the Registrar of Group Representatives was responsible for the supervision of the administration of Group Ranches as per Section 4[ii] of *Land [Group Representatives] Act* and that the Registrar could convene a Group Ranch’s meeting at any time as per Section 15[1]. Counsel also argued that the County Land adjudication Officer was informed of the scheduled Annual General Meeting and elections. Therefore, sufficient notice was given and the elections were conducted freely. After the elections, a certificate of incorporation was issued under Section 7[2] as mandated. The Application was therefore an abuse of the Court process and should be dismissed.

Submissions of the Interested Parties

11. On whether the 2nd Respondent acted illegally, irrationally and unfairly in calling for the Annual General Meeting and issuing the Certificate of Incorporation, it was submitted that the Registrar was in charge of supervision of the Group Ranch’s administration under Section 4[2] and 15[1] of the *Land [Group Representatives] Act*. As such, the 2nd Respondent’s decision to call for an Annual General Meeting was within the law as per the letter dated 11th September 2023 addressed to the 3rd Respondent by the 2nd Respondent. It was submitted that the Applicants asked their advocates to respond to the said letter which means, they were aware of it but they chose not to attend. It was added that the Orders issued in JR No. E009 of 2021 related to the meeting slated for 16th December 2021 and not any other meeting and that the orders issued in JR ELC 968 of 2017 neither barred the 2nd Respondent or the Applicants from calling an AGM. Counsel went on to submit that the contempt application was against a person and could not bar the ranch from performing its functions.
12. They sought that, the application should be dismissed with costs to the Interested Parties.

Analysis and determination

13. I have considered the Notice of Motion, the grounds, the Affidavit in support, the response thereto, the written submissions, and the authorities cited. I find that the issue for determination are:
 - i. Whether the Ex Parte Applicants are entitled to the reliefs sought;



- ii. Who should bear the costs of this application?
14. The Ex Parte Applicants approached Court seeking the quashing of the Certificate of Incorporation issued by the Registrar of Group Representatives Mr. Stephen G. Mayaka, under the office of the Director Land Adjudication and Settlement on 6th October 2023 designating the Interested Parties as the Representatives of Mailua Group Ranch. They also sought for an order prohibition any elections from being carried out contrary to Court orders in Kajiado ELC JR 968 of 2017 and Kajiado ELC JR No. 009 of 2021.
 15. The Ex Parte Applicants claim that there are valid orders which have neither been set aside and or varied and should be adhered to before any elections are undertaken. It is their case that the said elections were therefore illegally carried out and ought to be nullified.
 16. This Court takes note that on 16th November 2016 Nyakundi J. in High Court Kajiado JR No. 1 of 2015 [now ELC JR No. 968 of 2017 filed by the Interested Parties herein] ordered as follows:
 - i. The Applicants' prayers No 2 & 3 are not granted.
 - ii. The Applicants' prayer No. 5 is not granted.
 - iii. All documentation relating to the 11th Applicant be deposited with the 2nd Respondent within 14 days to facilitate a smooth transition and an inventory of the documentation be prepared and filed with the Deputy Registrar.
 - iv. The 2nd Respondent is directed to convene a meeting for the purposes of adopting the Constitution of Mailua group ranch as required by the law. That the 2nd Respondent to oversee the process and ensure that all members of Mailua Group Ranch participate in the process.
 - v. All parties to appear before this Honourable court within sixty [60] days after the date of this order to confirm compliance.
 - vi. Mailua Group Ranch is directed to call for a Special General Meeting within sixty [60] days to table the treasurers report including the financial statement with a proper balance sheet constituting the financial statement on assets and liabilities of the Ranch, the secretary's and chairman's report before the members who will in tum adopt or make recommendations to the report. Parties to confirm compliance after sixty [60] days from the date of this order.
 - vii. There shall be no orders as to costs.
 17. On 8th December 2016 in a letter addressed to the County Land Adjudication Officer advocates for the Interested Parties in JR 968 of 2017 wrote inquiring whether the office had received the Group Ranch's instruments as ordered, and whether the date for the handover process had been scheduled.
 18. The County Land Adjudication & Settlement Officer in his response dated 16th December 2016 confirmed that he had not received any documents and had not set a date for a handover meeting.
 19. Given that the documents had not been handed over in contravention of a Court order, on 19th December 2016, the Ex Parte Applicants herein who are the interested parties in JR 968 of 2017, filed an application for contempt against one Ntuiyoto Maraswa.
 20. In the letter dated 16th December 2020, counsel for the Ex Parte Applicants herein wrote to the Director Land Adjudication and Settlement Officer to take appropriate actions against the Interested Parties herein to ensure they comply with the handover process as ordered to enable the officials discharge their duties.



21. On 13th July 2023, this Court in JR 968 of 2017 issued a Notice to Show Cause to the 3rd Interested Party herein to appear before Court on 11th October 2023 to show cause why he should not be cited for contempt for failing to comply with orders of 8th December 2016. His application for stay of sentencing and setting aside of the Notice to Show Cause order was dismissed by this Court in a Ruling dated 12th June 2025.
22. In a letter dated 16th November 2021 the 2nd Respondent addressed to the Chairman Mailua Group Ranch, and requested for a Special General Meeting of the Group Ranch for the purpose of electing leaders to facilitate the issuance of title deeds in the remaining block. All activities of the Group Ranch were suspended pending the Special General Meeting which was tentatively slated for 16th December 2021.
23. Counsel for the Ex Parte Applicants herein responded to this letter through a letter dated 2nd December 2021 contesting the said meeting on grounds that the previous officials [the Interested parties herein] had failed to hand over the documents of the Group Ranch.
24. On 15th December 2021, Lady Justice Muigai in JR No. E009 of 2021 issued a temporary injunction restraining the scheduled Special General Meeting for 16th December 2021, pending the hearing in the parties.
25. In a letter dated 11th September 2023 addressed to the County Land Adjudication and Settlement Officer Kajiado, the Director Land Adjudication and Settlement Office indicated that some members of Mailua Group Ranch had complained that no Annual General Meeting had been held since 2015 and that the activities at the Ranch had stalled due to ongoing wrangles. They were therefore requesting for elections of officials to finalise the stalled subdivision works. He then ordered that the said Annual General Meeting be held on 5th October 2023.
26. In a letter dated 14th September 2023, Counsel for the Ex Parte Applicants herein wrote to the County Land Adjudication and Settlement Officer Kajiado, protesting the proposed elections on grounds that there were pending Court cases, the Group Ranch documents were yet to be handed over, and that there was a pending contempt case against one of the Interested Parties.
27. The County Land Adjudication and Settlement Officer Kajiado in a letter dated 22nd September 2023 addressed to the Chairman of the Mailua Group Ranch asked that the elections be called off pending determination of the ongoing Court cases because allowing it to proceed would amount to contempt of Court Orders.
28. It is not in dispute that interim orders of injunction were issued in JR. E009 of 2021, staying the scheduled Special General Meeting on 16th December 2021.
The Respondents and the Interested Parties have argued that this order was in relation to the meeting scheduled for 16th December 2021 and not any other meeting.
29. While this may be the case, the Orders in JR. 968 of 2016, have neither been varied nor set aside. An appeal which had been filed by the Ex parte Applicants in that suit was later withdrawn. Order No. [iii] which states;

“All documentation relating to the 11th Applicant be deposited with the 2nd Respondent within 14 days to facilitate a smooth transition and an inventory of the documentation be prepared and filed with the Deputy Registrar.”



30. As things stand, the Certificate of Incorporation of the Group Representatives was issued to the Interested Parties herein on 6th October 2023. Jackson Ntuyoto Maraswa is said to have been elected as the Secretary of Mailua Group Ranch.
31. The said Jackson Ntuyoto Maraswa has been found guilty of Contempt of the Orders issued in JR.968 of 2016. He refused to hand over the documents of the Group Ranch to the County Land Adjudication and Settlement Officer hence the contempt proceedings.

The question before court is whether the said 3rd Interested Party has purged the contempt.

He has not. In the case of *Econet Wireless Kenya Ltd v Minister for Information & Communication of Kenya Ltd & Another* [2005] eKLR Ibrahim J [as he then was] held;

“.....where the application for committal for contempt of court orders is made, the court will treat the same with a lot of seriousness and urgency and more often will suspend any other proceedings until the matter is dealt with and if the contempt is proven, to punish the contemnor, or demand that it is purged or both. For instance an alleged contemnor will not be allowed to prosecute any application to set aside orders or taken any other step until the application for contempt is heard. The reasons for this approach are obvious - a contemnor would have no right of audience in any court of law unless he is punished or he purges the contempt.”

32. I am aware that this court is not considering an application for contempt. However I have quoted the above authority to show that courts ought to frown upon disobedience of court orders. The 3rd interested party is a contemnor yet he holds himself to have been lawfully elected on 5th October 2023.

33. The next question before this court is, were any elections held on the 5th October 2023.

I have gone through an annexure to the Replying Affidavit of Leshoko Nkoneri Siamito, the 1st Interested Party and purported Chairman of Mailua Group Ranch. The same are supposed to be minutes of an Annual General Meeting held on 5th October 2023 for Mailua Group Ranch. I have gone through the said minutes. The same are not minutes in the true sense of the word. There is no Agenda set out for the meeting. The minutes are not numbered. The purported 302 members who were said to be in attendance and participated are not known. No register of members was annexed.

34. There are so many anomalies which leads to the conclusion, that no elections were held on the 5th October 2023. What transpired was a sham.

It should be against the interest of the members of Mailua Group Ranch to upheld such an election.

It is not clear from this one page minutes what transpired on that date.

35. Having held that no valid elections were held on the 5th October 2023, then it follows that the Certificate of Incorporation issued to the Interested Parties cannot stand. The same is suspended. The actions of the 2nd Respondent cannot therefore stand.

I rely on the case of *Republic v Ethics and Anti-Corruption Commission Exparte Nairobi City County Assembly & 13 Others* [2019] eKLR.

36. In conclusion I find merit in the Notice of motion and I grant the orders sought namely;

- a. That an order of certiorari is hereby issued to remove into this court for quashing and is hereby quashed, the certificate of Incorporation of Representatives of Mailua Group Ranch issued by the Registrar of Group Representatives Mr. S.G. Mayaka under the office of the Director



Land Adjudication and Settlement issued on 6th October 2023 purportedly designating the Interested Parties as the Representatives of Mailua Group Ranch for being illegal, null and void and issued illegally and in Contempt of the Courts Orders and without due and proper process and being an Administrative action in violation of court orders, the Constitution } and the relevant statutes.

- b. That an order of Prohibition is hereby issued prohibiting the Respondents being the Director Land Adjudication and Settlement and the Registrar Group Representatives from interfering with the operations of Mailua Group Ranch and the Applicants as it's representatives by arbitrarily calling for meetings elections and allegedly supervising its operations outside the orders and Directions of the court as issued in Kajiado HCT JR Application 1 of 2015, [Now Kajiado JR 968 of 2017] and in Kajiado JR APP No. 009 of 2021, the Constitution } of Kenya and the relevant statutes.
- c. That the Mailua Group Ranch is directed to conduct election of Representatives within Seventy five [75] days from the date of this Judgement.
- d. That each party shall bear own costs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 17TH DAY OF JULY 2025.

L. KOMINGOI

JUDGE.

IN THE PRESENCE OF:

N/A for Exparte Applicants.

Mr. Kariuki for the Respondents.

Ms. Kisiriet for the Interested Parties.

Court Assistant – Mateli.

