



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAROK**

**JUDICIAL REVIEW CAUSE NO. 22 OF 2017**

**IN THE MATTER OF AN APPLICATION BY ZUBEDA BHACHU**

**FOR LEAVE TO APPLY FOR AN ORDER OF MANDAMUS**

**AND**

**IN THE MATTER OF AN APPLICATION BY ZUBEDA BHACHU TO COMPEL**

**THE COUNTY LAND REGISTRAR NAROK TO EXECUTE THE ORDER AND**

**DECREE ISSUED BY THE HIGH COURT GIVEN IN NAIROBI HCCC**

**NO. 659 OF 1997 HAVA ISAK SULEIMAN VERSUS ZUBEDA BHACHU**

**AND**

**IN THE MATTER OF SECTIONS 79(2), 80(1) AND**

**86(1) OF THE LAND REGISTRATION ACT 2012**

**AND**

**IN THE MATTER OF THE REFUSAL BY THE COUNTY LAND REGISTRAR,**

**NAROK, TO CANCEL THE TITLE TO L.R.NO NAROK/TOWNSHIP/14**

**CURRENTLY IN THE NAME OF HAVA ISAK SULEIMAN AND**

**REGISTER THE SAME IN THE NAME OF ZUBEDA BHACHU**

**IN COMPLIANCE WITH THE ORDER OF THE COURT**

**BETWEEN**

**REPUBLIC.....APPLICANT**

**AND**

**THE COUNTY LAND REGISTRAR NAROK....RESPONDENT**

**EXPARTE**

**ZUBEDA BHACHU**

**RULING**

The Exparte Applicant has brought the Application herein under order 53 Rule 1 of the Civil Procedure Rules by way of a Chamber Summons dated 25<sup>th</sup> October, 2017 seeking leave of this court to apply for an order of mandamus against the Respondents decision and failure to implement an order of the court issued in HCCC No. 659 of 1997 to rectify the register in respect a parcel of land known as LR Narok/Township14 by deleting the name of Hava Isak Suleiman and substituting it with that of Zubeda Bachu.

The Application was based on the ground that sometimes in 1997 the now deceased husband of Hava Isak Suleiman fraudulently caused the registration of the suit land in his name and applied to evict the Applicant in Nairobi HCC No. 659 of 1997 causing the Applicant to raise a counter claim in the same suit seeking the cancellation of the plaintiff's title.

When the suit was fully heard the plaintiff's suit was dismissed and judgement was entered for the Applicant. The Application was supported by the affidavit of one Zubeda Bachu who averred that the Registrar Narok despite service of the Judgement of the court failed and refused to rectify the register pursuant to the judgement of the court.

I have read the Application before me together with the Supporting Affidavit by the Applicant and the Judgement of Mwera J as he then was.

Having applied my mind to the averment contained in the Application and the judgement I allow the Application dated 25/10/17 and grant the Applicant leave to commence Judicial Review Application against the Respondent and the said Application be filed within 21 days.

Orders accordingly.

**Dated, Signed and Delivered in open court at NAROK on this 26<sup>th</sup> day of January, 2018**

**Mohammed Noor Kullow**

**Judge**

**In the presence of:-**

N/A for the parties

**Mohammed Noor Kullow**

**Judge**

**26/1/18**