



**M’Eruaki v District Land Adjudication Officer Igembe District &  
2 others; M’liria (Interested Party) (Judicial Review Application  
30 of 2014) [2025] KEELC 5366 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5366 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MERU  
JUDICIAL REVIEW APPLICATION 30 OF 2014**

**BM EBOSO, J**

**JULY 16, 2025**

**BETWEEN**

**SAMUEL MWIRIGI M’ERUAKI ..... APPLICANT**

**AND**

**THE DISTRICT LAND ADJUDICATION OFFICER IGEMBE  
DISTRICT ..... RESPONDENT**

**AND**

**THE DISTRICT LANDS REGISTRAR ..... 1<sup>ST</sup> INTENDED RESPONDENT**

**THE MERU NORTH SUB COUNTY SURVEYOR .... 2<sup>ND</sup> INTENDED  
RESPONDENT**

**AND**

**DAVID M’MUNYURI M’LIRIA ..... INTERESTED PARTY**

**RULING**

1. This judicial review case was fully disposed through a judgment rendered by Mbugua J on 7/1/2019. The court dismissed the case on merit in the following terms:

“I find not the slightest reason to interfere with the respondent’s findings. This judicial review motion is dismissed with costs to the interested party. The orders of stay of implementation of respondent’s decision are hereby discharged.”

2. More than five years later, the interested party brought the notice of motion dated 23/5/2025, seeking to use the concluded judicial review case as the platform on which to enforce the award/decision of the District Land Adjudication and Settlement Officer dated, 5/8/2014.



3. The applicant has belatedly realized that this concluded judicial review case is not the proper platform on which to implement the decision of the District Land Adjudication and Settlement Officer. He now seeks withdrawal of the application.
4. There is no objection to the intended withdrawal, save that Samuel Muriungi has insisted that he be awarded costs of the application. He was served with the application and he accordingly instructed an advocate who filed a notice of appointment and grounds of opposition.
5. Taking the above into account, the court will allow the plea for withdrawal of the notice of motion dated 23/5/2025. There is no proper reason for departing from the general principle in Section 27 of the *Civil Procedure Act*. Consequently, the applicant in the notice of motion dated 23/5/2025 will bear costs of Samuel Muriungi's advocate. The application is marked withdrawn on the above terms.

**DATED SIGNED AND DELIVERED AT MERU THIS 16TH DAY OF JULY 2025**

**B M EBOSO [RM]**

**JUDGE**

In the Presence of

Mr. Koome for the Interested Party

Ms Asuma holding brief for Mr. Mutembei for the Respondent

Ms Wairimu for the 1st Respondent and 2nd and 3rd Interested Respondents.

Court assistant - Tupet

