



REPUBLIC OF KENYA



**KENYA LAW**  
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**Rionolima v Lokelima (Environment and Land Case  
59 of 2004) [2025] KEELC 5374 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5374 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KITALE  
ENVIRONMENT AND LAND CASE 59 OF 2004**

**CK NZILI, J**

**JULY 16, 2025**

**BETWEEN**

**JAMES LOKOR RIONOLIMA ..... PLAINTIFF**

**AND**

**SIMON KORRENG LOKELIMA ..... DEFENDANT**

**RULING**

1. The judgment in this suit was delivered on 23/4/2015, declaring the plaintiff as the beneficial owner of 4.2 acres of plot No. 41 at Sook Location, West Pokot County. A permanent injunction was also issued restraining the defendant from trespassing on the suit land. It is not clear if the decree was extracted and implemented.
2. The application dated 3/4/2025 seeks the County Surveyor and County Land Registrar to visit the Tamugh Adjudication Section Plot Nos. 1XX2 and 3X5, recover 6.5 acres from the said plot and add it to Plot No. 1XX2, as per the court's decree.
3. The reasons are on the face on the application and in a supporting affidavit of James Lokorr Rionolima, sworn on 3/4/2025. The applicant avers that Land Adjudication Officers came to the suit land in February 2016 and assigned plot No. 41 a new number 1XX2, during the adjudication process as per annexure marked JLR-2 and 3(b).
4. He further avers that despite assurances, the adjudication map and records have not aligned his land and boundaries, with the decree of the court, hence denying him 4.2 acres. Attached are the letters, decree and the map marked JLR 1-(a) and (b), 2, 3(a), (b) and (c), and 4.
5. The applicant deposes that the respondent has remained on his land since 2015, in total disobedience of the court decree, hence prejudicing him. The applicant deposes that he is fearful that a title deed may be issued for plot No. 3X5 and 1XX2, without the necessary adjustments on the boundary being effected in compliance with the decree, hence the need for compliance and the enforcement of the same.



6. The application is opposed through a replying affidavit sworn on 16/6/2025 by Simon Korreng Lokelima. It is deposed that there is no evidence of the alleged trespass, hence the reasons the ex parte judgment has never been executed. The respondent deposes that the decree does not relate to parcel No. 1XX2 and that his occupation and ownership of plot No. 3X5 have nothing to do with plot No. 41; otherwise, a surveyor's report would have been attached to show the alleged encroachment or trespass. The respondent deposes that annexures JLR-3(a) and (b) were clear that in 2004, Tamugh Adjudication Section had not been established; and that plot Nos. 1XX2 and 3X5 did not exist and were not part of the decree.
7. It is not in dispute that the subject parcels of land are undergoing the land adjudication process under the Land Adjudication Act, going by annexure No. JLR-3(b) and 3(c). Section 30 (1) of the Land Adjudication Act does not confer this court with the powers to determine ownership. That jurisdiction rests with the Land Adjudication Tribunals or officers. Without a consent to sue being issued under Section 30(1) thereof, a court may not arrogate itself that jurisdiction.
8. In Bhaijee & Another -vs- Nondi & Another (Civil Appeal 139 of 2019 [2022] KECA 119 [KLR] (18<sup>th</sup> February 2022) (Judgment), the court held that Section 30 (1) of the Land Adjudication Act requires a consent to be issued, before the institution of civil proceedings concerning an interest in land in an adjudication section. The court held that the consent is a condition precedent for a valid suit. The court said that suits that are pending also have to be discontinued if they were filed without such a consent. The court said that the rationale is because the Act has elaborate proceedings on how to determine whose interests they are and the extent to which they are entitled to an interest in the land under adjudication.
9. Given the cited law, the powers and jurisdiction of this court to hear and determine the issue of ownership or such-related disputes, were curtailed the moment the area was declared as an adjudication section. A court without jurisdiction must down its tools.
10. The applicant has to subject himself to the alternative mechanism under the Land Adjudication Act. The application dated 3/4/2025 is dismissed for lack of jurisdiction. The court is also functus officio. It cannot reopen the dispute and make directives on how the relevant tribunals or the land adjudication officers can handle their work, except as provided by law. That is not the case here. See the case of Tobias Ocbolla Osidi -vs- Cyprianus Otieno Ogolla & others (2013) eKLR.
11. Orders accordingly.

**RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 16<sup>TH</sup> DAY OF JULY 2025.**

In the presence of:

Court Assistant - Dennis

Lowasikou for the respondent present

Nafula for Samba for the applicant present

**HON. C.K. NZILI**

**JUDGE, ELC KITALE.**

