



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA JUDICIAL REVIEW CASE NO. 14 OF 2017

FORMERLY MERU JUDICIAL REVIEW NO. 02 OF 2016

M’KAMWARA GICHIU.....EX-PARTE APPLICANT

VERSUS

DISTRICT LAND ADJ. SETTLEMENT OFFICER

CHUKA/IGAMBA NG’OMBE.....RESPONDENT

THE CATHOLIC DIOCESE OF MERU THRO’

THE REGISTERED TRUSTEES.....1ST INTERESTED PARTY

ST. PETERS CATHOLIC CHURCH – KAJUKI.....2ND INTERESTED PARTY

RULING

1. These Judicial Review proceedings were brought to court by way of a Notice of Motion application dated **17th February, 2016** which sought the following orders:

1. That the honourable court be pleased to issue an order of certiorari to bring to this honourable court for the purposes of being quashed the decision of the Land Adjudication and Settlement Officer, Meru South/Maara District dated **5.10.2015** respecting land parcel No. **959/Kajuki/Kamutiria Adjudication Section**.

2. That the Respondent and the Interested Parties be ordered to pay the costs of this motion.

2. On **13th June, 2018**, Miss Matiri, for the ex-parte applicant, asked the court to withdraw the suit as its continuation was of no use as title deeds apposite to the adjudication section where the suit land is situated had already been issued.

3. Mr. Muchiri, for the Interested Parties, intimated that he was not opposed to the withdrawal of the suit, subject to costs being awarded to the Interested Parties.

4. I do note that it is not the fault of the ex-parte applicant that title deeds were issued before the hearing of this suit could be concluded. I am, therefore, inclined not to grant costs to any of the parties.

5. In the circumstances, this suit is marked as withdrawn and should be removed from the register of pending Judicial Review matters at Chuka ELC Court.

6. No costs are awarded to any of the parties.

7. It is so ordered.

Delivered in open Court at Chuka this 13th day of June, 2018 in the presence of:

CA:Ndegwa

M/s Matiri for the ex-parte applicant

Muchiri for the Interested Parties

P.M. NJORGE

JUDGE