



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ELC MISC. APPL. CASE NO.29 OF 2015

JARED OTIENO ARIDI.....APPLICANT
(HAVING BENEFICIAL INTEREST)

VERSUS

**DISTRICT ADJUDICATION AND SETTLEMENT OFFICER BONDO AND
RARIEDA ...RESPONDENT**

RULING

1. Jared Atieno Aridi, the applicant, by notice of motion dated 16th May 2016 prays for an order of mandamus against the District Adjudication and Settlement officer Bondo – Rarienda region, the Respondent, to give him the consent to sue and or details of the dealings in relation to the creation of land parcels **1683, 1685 and 2417/Nyamonye/Abidha** village. The applicant listed four grounds on the notice of motion which is supported by his affidavit sworn on 11th May 2016 and the statement of fact. The application was served and no appearance and or replying papers were filed. The application came up for hearing on 21st November 2016 and on the court being satisfied that a hearing notice had been served on the Respondent who had not attended court, the Applicant's counsel was allowed to prosecute the application.
2. The court has considered the grounds on the notice of motion, the statement of facts, the supporting affidavit and found as follows:
 - a. That the Applicant has established that he had engaged the Provincial Administration and other government agencies to get information on how the parcels of land subject matter of the application were created without success.
 - b. That the applicant is entitled under the provisions of **Article 35** of the Constitution to the information and details concerning the creation of land parcels **1683, 1685 and 2417/ Nyamonye/ Abidha village** to enable him seek appropriate legal advice on how to pursue his interests.
 - c. That the Respondent being a public office is obligated to provide the Applicant with the information sought and consent to file suit subject to payment of applicable fees.
 - d. That the Respondent should not unreasonably decline to give the Applicant the consent to sue that is provided for under **Sections 30** of the **Land Adjudication Act Chapter 284** of the Laws of Kenya and **Section 8** of the **Land Consolidation Act Chapter 283** of Laws of Kenya.
3. That having found as above the court finds that the notice of motion dated 16th May 2016 has merit ad

is allowed in the following terms;

a. That the Respondent is hereby directed to provide the applicant with certified copies of documents relating to the creation of land parcels numbers **1683, 1685 and 2417/Nyamonye/Abidha** village without any further unreasonable delay.

b. That the Respondent do issue the Applicant with consent to sue as provided for under **Section 30 of the Land Adjudication Act** and or **Section 8 of the Land Consolidation Act** within 30 days upon service of this order.

It is so ordered.

S.M. KIBUNJA

ENVIRONMENT & LAND – JUDGE

DATED AND DELIVERED THIS 1ST DAY OF FEBRUARY 2017

In presence of;

Plaintiff/Applicant Present

Defendant/Respondent Absent

Counsel N/A

S.M. KIBUNJA

ENVIRONMENT & LAND – JUDGE

1/2/2017

1/2/2017

S.M. Kibunja Judge

Applicant present - My advocate has not come.

S.M. KIBUNJA

ENVIRONMENT & LAND –JUDGE

1/2/2017

Court: Ruling dated and delivered in open court in presence of the Applicant.

S.M. KIBUNJA

ENVIRONMENT & LAND –JUDGE

1/2/2017