



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC JR CASE NO. 11 OF 2017**

**FORMERLY MERU JUDICIAL REVIEW APPLICATION NO. 35 OF 2013**

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW  
ORDER OF CERTIORARI**

**AND**

**IN THE MATTER OF SECTIONS 8 AND 9 OF THE LAW REFORMS ACT**

**REPUBLIC.....APPLICANT**

**VERSUS**

**THE DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER**

**MERU SOUTH DISTRICT .....1<sup>ST</sup> RESPONDENT**

**THE ATTORNEY GENERAL .....2<sup>ND</sup> RESPONDENT**

**AND**

**JOSEPH MBUKO NGARURI**

**M'NYIRI RAGWA**

**NYAGA KABIRIGWA**

**DAVID NGAI MANENE**

**NGERETHA MUGAMBI**

**JEDIEL RWANDA NJUE**

**M'KEA M'IBURUKA**

**LINUS MURIBIA**

**MBACA REUBEN KAVINDU**

**NBUNGU NKARI**

**JOTHAM MBAKA.....INTERESTED PARTIES**

**NJERU KIRIRIKA.....EX-PARTE APPLICANT**

**RULING**

1. When this matter came up for directions on 15.3.2017, the issue of there being an appeal to the minister going on in parallel with this suit was raised.

2. Mr. Kiongo for the respondents asked the court to ask the applicant to withdraw the suit so that the appeal to the minister could proceed unfettered.

3. Mr. Manesses Kariuki for the exparte applicant asked the court to stay the hearing of this court pending the hearing and determination of the appeal before the minister. Mr. Kiongo opposed this suggestion saying that the decision of the Adjudication Officer which was being challenged before the minister and apposite issues constituted what was being challenged in these Judicial Review proceedings.

4. I agreed with the postulations proffered by Mr. Kiongo.

5. At this point, Mr. Kariuki told the court that he preferred to withdraw this suit so that the appeal before the minister could be completed. Mr. Kariuki asked the court to order stay of implementation of decisions made in objection Nos. 18, 131, 903, 966, 129, 78, 244, 506, 834, 538, 853, 1040, 574, 1158, 379, 785, 1162, 1107 and 129 pending and hearing of the appeal made to the minister.

6. It is ordered as follows:

1. This suit is marked as withdrawn with no order as to costs.

2. A stay of implementation is ordered concerning decisions made in objection numbers, 18, 131, 903, 966, 129, 78,244, 506, 834, 538, 853,1040, 574, 1158, 379, 785, 1162, 1107 and 129 KAMWIMBI "A" ADJUDICATION SECTION. The decisions were dated and delivered on 9.10.2013.

3. The minister is cleared to proceed with the hearing and determination of the Apposite Appeal.

4. A copy of this ruling to be availed to the Deputy County Commissioner, Meru South Sub County.

5. I award no costs.

7.It is so ordered

Delivered in open court at Chuka this 15<sup>th</sup> day of March, 2017 in the presence of:-

CA: Ndegwa

Manesses Kariuki for the Exparte Applicant

Kiongo for the Respondent

**P. M. NJOROGE,**

**JUDGE.**