



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT MOMBASA
JR MIS APPL NO. 2 OF 2017

IN THE MATTER OF ARTICLE 35 AND 47 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF SECTIONS 9 AND OF THE LAND REGISTRATION ACT NO 3 OF 2012

AND

IN THE MATTER OF SECTION THE FAIR ADMINISTRATIVE ACTION ACT 2015

AND

IN THE MATTER OF APPLICATION FRO JUDICIAL REAVIEW ORDER OF MANDAMUS

AND

IN THE MATTER OF TITLE NUMBER MOMBASA/PANGU FUEL AREA/11 BETWEEN

REPUBLICAPPLICANT

-VS-

KWALE LANDS REGISTRAR.....1ST RESPONDENT

NATIONAL LANDS COMMISSION..... 2ND RESPONDENT

THE HON. ATTORNEY GENERAL..... 3RD RESPONDENT

RULING

1. This is the Notice of Motion dated 14/2/2017. It is brought under order 53 rule 3 of the Civil Procedure Rules 2010 and all other enabling provisions of the law.

It seeks orders;

1. An order of mandamus do issue compelling the 1st Respondent herein to furnish the Applicant with certified copies of the register and official search in respect of parcel number Mombasa/Pangu Fuel area/11 within two (2) days of the date of this order.

2. That costs of this Application be made to the Applicant. The application is supported by the affidavit of John Wahinya Karuga sworn on the 8/2/2017.

The grounds are on the face of the application. The main one being the Applicant is the registered proprietor of all that parcel of land known as Mombasa/Pangu fuel area/11 pursuant to a title deed issued on 28th January 1993.

That unknown persons invaded the suit property and demolished a perimeter wall erected by the Applicant.

2. The Application was duly served on the Respondents. They have filed no response. I find the application herein unopposed.

3. It is the applicant's contention that the Registrar of Lands Kwale has refused and remained adamant in refusing to furnish him with certified copies of the register and search in respect of the suit property.

I find that the Applicant has made out a good case to warrant the orders sought.

I find merit in this application and I grant the orders sought namely;

1. That an order of mandamus do hereby issue compelling the 1st Respondent herein to furnish the Applicant with certified copies of the register and official search in respect of land parcel number Mombasa/Panga fuel area/11 within twenty one (21) days from the date hereof

2. I make no orders as to costs orders accordingly.

Dated and signed at Mombasa on the 19th day of July 2017.

L. KOMINGOI

JUDGE

19/7/2017

Ruling dated and delivered in open court on the **19th day of July 2017** in the absence of the parties duly informed.

L. KOMINGOI

JUDGE

19/7/2017