



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KAKAMEGA**

**ELC CASE NO. 250 OF 2017**

**ROBERT RASIEMWA MADOLLO.....PLAINTIFF/APPLICANT**

**VERSUS**

**GERISHOM KAVOGOLO.....DEFENDANT/RESPONDENT**

**RULING**

This is dated 17th July 2017 and application seeks the following orders;

1. THAT this application be and the entire suit be certified as urgent and be heard on priority basis.
2. THAT the Vihiga County Surveyor and Land Registrar do visit Land Parcel Number KAKAMEGA/BUYONGA/759 and 757 and determine the boundaries and do file a report concerning the same.
3. Costs be in the cause.

The application is based on the annexed affidavit of ROBERT RASIEMWA MADOLLO. The applicant submits that, he is the legal owner of land Parcel Number Kakamega/Buyonga/759. The defendant herein is his neighbour. That he had brought people on the ground to assist him fence the stated parcel of land the defendant herein chased them and that is the cause of this suit. He therefore wishes to request the honourable court to issue an order directing the County Registrar and the Surveyor to come go to the ground and ascertain the boundaries herein and file a report concerning the same.

This court has considered the applicant's submissions herein. The respondent was served with the hearing date but failed to attend court or file any papers in opposition. The applicant submitted that, he is the legal owner of land Parcel Number Kakamega/Buyonga/759 and a copy of the official search is attached. The defendant herein is his neighbour. That he had brought people on the ground to assist him fence the stated parcel of land the defendant herein chased them and that is the cause of this suit. I find the dispute is on of boundaries and find the application has merit and grant the following orders;

1. THAT the Vihiga County Surveyor and Land Registrar do visit Land Parcel Number KAKAMEGA/BUYONGA/759 and 757 and determine the boundaries and do file a report concerning the same within the next sixty (60) days. The applicant is to bear the costs of this exercise.
2. Costs of the application be in the cause.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT KAKAMEGA IN OPEN COURT THIS 11<sup>TH</sup> DAY OF OCTOBER 2017.**

**N.A. MATHEKA**

**JUDGE**