



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CIVIL APPEAL CASE NO. 55 OF 2017
FORMERLY MERU ELC CIVIL APPEAL CASE NO. 146 OF 2013
MURUNGI RUTERE.....APPELLANT
VERSUS
MIRITI RUCHA.....RESPONDENT

RULING

1. In this matter, the Eastern Province Appeals Committee delivered its decision on 19/7/2011.
2. It ruled as follows:

FINDINGS

- 1. From** the green card we have found that the parcel of land No. Mwimbi/Chogoria/3920 is from sub-division of land parcel No. Mwimbi/Chogoria/3673, the original owner of land parcel No.Mwimbi/Chogoria/3920 is Kagweni Rutere who transferred the land to John Ndereba, who too transferred it to Aphard Miriti Rucha and wife Sivira Kanini Miriti.
- 2. We** have too found that Siviria Kanini Miriti did not present herself at Provincial land dispute tribunal and at the Maara district land tribunal.
- 3. The** original owner of the disputed parcel of and Mwimbi/Chogoria/3920 is deceased and hence not present; he was presented by his son Murungi Rutere who has no power of attorney. We too found that the Maara district land tribunal was heard by power of attorney. We too found that the Maara district land tribunal was heard by five (5) elders, but only four (4) signed the proceedings, one elder Kanampiu did not sign.

RULING

Since the piece of land is registered, neither the district land disputes tribunal nor the Provincial land disputes tribunal has authority to hear and determine the case of a registered land with a title deed. Hence we quashed the Maara district land tribunal and advised the parties to lodge their appeal to the high court, if they so wishes.

3. The handwritten ruling was signed by the chairman and 2 elders.
4. My perusal of the court file shows that this decision was never appealed against.

5. In the circumstances, it is directed that this file be marked as disposed of and that it be removed from the register of pending cases.

6. It is so ordered.

Delivered in chambers at Chuka this **9th day of October, 2017** in the presence of:

CA: Ndegwa

P.M. NJOROGI

JUDGE