



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

ELC CAUSE NO. 246 OF 2017

FORMERLY NAKURU ELC NO. 219 OF 2011

MERIN OLE TUYOTO & 124 OTHERS.....PLAINTIFF

-VERSUS-

THE CHAIRMAN LIMANET

GROUP RANCH COMMITTEE.....1ST DEFENDANT

DISTRICT LAND REGISTRAR.....2ND DEFENDANT

THE HON. ATTORNEY GENERAL.....3RD DEFENDANT

DANSON RIKANA SANOE.....4TH DEFENDANT

RULING

The Plaintiff in this suit are 125 members who plead that they are the registered members of Limanet Group Ranch and all are the benefit owners of the Land Parcel **CIS MARA/ILMASHARIANI/MORIJO/48**.

They contend that in the year 2008 the Committee of the Group Ranch in collusion with the 2nd Defendant, the District Land Registrar Narok, fraudulently issued title deeds to strangers who are not members of the Ranch.

In the suit the plaintiff have prayed for orders that all title deeds issued in respect of **CIS MARA/ILMASHARIANI/MORIJO/48** be cancelled. A defence was filed by the 1st Defendant denying the claims of the plaintiff. The Attorney General appearing for 2nd and 4th Defendants despite filing a memorandum of appearance has not filed a defence.

Since the filing of the suit herein the same has not taken off to be heard as several applications were filed by each of the parties.

When the matter came before court for directions on how to proceed each of the parties produced before court reports prepared by the National Land Commission and another by the District Survey Office Narok which are both conflicting and contradicting.

I have perused the record and I did not find any order by this court and/or any by any other court in which

the aforesaid reports were requested to have the matter concluded.

A glance at the report from the NLC which is dated 20/1/17 and is from the Director of Surveys to one (DR) Lenashuru who from his title seems to be a commissioner of the National Land Commission. The 2nd report though containing various recommendations to my understanding was a document for internal use by the survey Department and the National Land commission.

The 2nd Report is a report by the District Surveyor Narok North/South and addressed to the Chairman of the national Land Commission which the court just like the other has not requested to be done in respect of the suit.

In view of the above and taking into account that the suit herein relates to Land which is very emotive and also the cancellation of titles I direct that the suit be heard on merit since relying on the said report may not conclusively address the matters in contention.

Parties shall be at liberty to use the said report and call witnesses in respect thereof.

Lastly because this is a matter that has been in court since 2008 almost 10 years, I will order that the same will be heard on priority basis and be heard on day to day basis.

DATED, SIGNED and DELIVERED in open court at **NAROK** on this **2ND** day of **OCTOBER, 2017**

Mohammed Noor Kullow

Judge

In the presence of:-

Mr Kamwaro for the Chairman of Group Ranch

Mr Morintat for the petitioners

CA:Chuma

Mohamed Noor Kullow

Judge

2/10/17