



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

JUDICIAL REVIEW NO. 1 OF 2016

MAJI MOTO GROUP RANCH.....APPLICANT

VERSUS

THE NATIONAL LAND COMMISSION.....RESPONDENT

RULING

(Application for leave to commence judicial review proceedings; respondent calling for meeting to resolve disputes in a Group Ranch; contention that the mandate of the NLC does not extend to Group Ranches; leave to commence judicial review granted; grant of leave to operate as stay of any further meetings called by the NLC concerning the Group Ranch)

1. The application before me is that dated 12th January 2016. It is an application seeking leave to commence judicial review proceedings for orders of certiorari to quash the respondent's letter dated 6th January 2016. The applicant, a Group Ranch, has also sought a stay to stop the implementation of the said letter.

2. The letter in issue was written by the respondent, National Land Commission, and is addressed to "*The Concerned Members, Maji Moto Group Ranch, Osupuko Division, Narok County.*" In essence it called for two meetings to be held on 14th and 15th January 2016, to address land matters in Maji Moto and Limanet Group Ranches respectively. It is the position of the applicant, that the National Land Commission (NLC) has no powers and jurisdiction on private matters or issues arising from the provisions of the Land (Group Representatives) Act, CAP 287. It is averred that the subject letter has procedural flaws, is irrational and issued in bad faith, and is an abuse of the powers and jurisdiction of the NLC. It is also stated that the Group's meetings can only be convened under Section 15 of CAP 287 and that the powers to convene Group meetings do not extend to the NLC.

3. I have considered the application for leave. I am of the opinion that this is a fit case for the intended action. I therefore grant leave to the applicant to commence the intended judicial review proceedings. By this grant of leave, I also stay any further meetings that may be called by the NLC in relation to Maji Moto Group Ranch. I further order the applicant to file and serve the intended motion within 21 days. Costs of this application shall abide the outcome of the main motion.

4. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 20th day of January 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT AT NAKURU

In presence of : -

Mr Karanja Mbugua for applicant

CA: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT AT NAKURU