



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

JUDICIAL REVIEW NO. 23 OF 2016

REPUBLIC.....APPLICANT

COUNTY LAND ADJUDICATION & SETTLEMENT

OFFICER- LAIKIPIA COUNTY.....DEFENDANT

EX-PARTE

KIBAIGA KIRANGU KIMIRI

RULING

(Application for leave to commence judicial review proceedings; applicant complaining that he has a discharge and transfer from the SFT but that the County Land Adjudication and Settlement Officer has refused to deliver the same to him for registration; application for leave allowed)

1. The application before me is that dated 12 September 2016. It is an application seeking leave to commence judicial review proceedings seeking orders of mandamus to compel the County Settlement Officer Laikipia County to release the Discharge of Charge and Transfer for the land parcel Laikipia/Suguta (Ex P & D) / 234 (hereinafter the suit land) to the applicant.

2. It is the case of the applicant that he is the legal allottee of the suit land which land was acquired from the Settlement Fund Trustee (SFT) in the year 2002. He has averred that he has paid all the requisite fees to the SFT and a Discharge of Charge and a Transfer in his favour were on 24 May 2016 forwarded to the County Land Adjudication and Settlement Officer, Nanyuki for his collection. It is said that the officer has however refused to release the said documents to the applicant to enable him deliver the same to the County Land Registrar for issuance of a title deed. It is contended that the County Settlement Officer has failed to perform his public duties thus rendering this application necessary.

3. I have looked at the matter. The complaint of course is that a Government official has failed to perform his public duties. I am of the view that this is a fit case to be tried by way of judicial review. I therefore grant leave to the applicant to commence the intended action for the order of mandamus. I direct that the substantive motion be filed and served within 21 days from today.

4. The costs of this application shall be costs in the main motion.

5. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 22nd day of September 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of: -

Mr. Ngamate holding brief for Mr. Waichungo for the applicant .

C/Asst: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

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