



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

MISC APPLICATION NO 129 OF 2015

REPUBLICAPPLICANT
LAND ADJUDICATON & SETTLEMENT OFFICER,
NAIVASHA1ST RESPONDENT
BERNARD SIAMETO SOIYANDET2ND RESPONDENT
DIRECTOR LAND ADJUDICATION & SETTLEMENT
DEPARTMENT3RD RESPONDENT
THE ATTORNEY GENERAL4TH RESPONDENT
EX-PARTE
JOHN CHEGE NDUNGU

RULING

(Application for leave to commence judicial review proceedings; leave granted).

1. The applicant John Chege Ndungu has sought leave to commence judicial review proceedings for the prerogative orders of mandamus inter alia to compel the 1st & 3rd respondents to register a transfer instrument executed in his favour by the 2nd respondent. He also wants to apply for an order of prohibition to prohibit the registration of any other person other than himself as proprietor of the plot No.508 Moi Ndabi.
2. The core reasons for the application are that the 2nd respondent sold the suit property to the ex-p arte applicant and executed all transfers instruments. The 1st & 3rd respondents have however failed to register the instruments and the 2nd respondent has now re-entered the premises.
3. The matter had earlier been filed at the Naivasha High court and the same was transferred to this court since the subject matter is title to land. An earlier order had been made to serve the respondents but I feel compelled to review it, as to me, I do not think it is necessary to do so, given the

circumstances of this case.

4. Being now fully seized with the matter, I do grant leave to the ex-parte applicant to commence the intended action for judicial review. I direct that the substantive motion be filed and served within 21 days.

5. In this motion, the ex-parte applicant has also asked for conservatory orders to restrain any person from interfering with the suit property. In my discretion, I make the following conservatory orders: -

- i. That no disposition be entered or registered with regard to the plot No. 508 Moi Ndabi Settlement Scheme.
- ii. The status quo currently prevailing in terms of occupation of the suit land be maintained.
- iii. There be no construction of any structures on the suit property.

The matter will be mentioned for further directions on 15/7/2015.

Dated, signed and delivered in open court at Nakuru this 13th Day of May 2015.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT AT NAKURU

In presence of :-

Mr Kagucia for applicant

Janet: Court Assistant

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU