



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAKURU**

**MISC APP NO 466 OF 2015**

**GATHONGO GIKONYO .....APPLICANT**

**VERSUS**

**THE NATIONAL LAND COMMISSION .....RESPONDENT**

**RULING**

***(Application for leave to commence judicial review proceedings; application allowed)***

1. I have considered the application herein. I can see that what the applicant wants is leave to commence judicial review proceedings against the National Land Commission, for certiorari, to quash a ruling made on 20<sup>th</sup> September 2015, which is said to have had the effect of reverting a plot No.1861 to be used as a public utility dam, and mandamus, to compel the respondent to revert the said property to its registered owner.
2. I have looked at the affidavit, further affidavit and statement. I see no reason why I should deny the applicant the leave sought. I hereby do grant leave to commence the intended action.
3. I further order that this grant of leave be a stay of the said decision sought to be quashed and stay of any further dealings in the plot No.1861 Mawingo Salient in Nyandarua.
4. I direct that the main motion be filed and served within 21 days or else the leave granted herein will lapse. The costs of this application will be costs in the main motion.
5. It is so ordered.

**Dated, signed and delivered in open court at Nakuru this 4<sup>TH</sup> day of November 2015.**

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT & LAND COURT**

**AT NAKURU**

**In presence of :-**

Ms Patricia Mundia : present for applicant

Court Assistant : Janet

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT & LAND COURT**

**AT NAKURU**