



**Kipkorir & another (Suing for and on Behalf of GS Self Help Group) v Tanui & 8 others
(Environment & Land Case E047 of 2022) [2024] KEELC 4439 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEELC 4439 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE E047 OF 2022**

**A OMBWAYO, J
MAY 30, 2024**

BETWEEN

**KANGOR YATICH KIPKORIR 1ST PLAINTIFF
LENGING KIPYATOR 2ND PLAINTIFF
SUING FOR AND ON BEHALF OF GS SELF HELP GROUP**

AND

**WALTER TANUI 1ST DEFENDANT
WESLEY KIPTANUI 2ND DEFENDANT
TOM KIPTANUI 3RD DEFENDANT
KENNETH KIPTANUI 4TH DEFENDANT
KEVIN KIPTANUI 5TH DEFENDANT
EDWARD CHERUTICH KIPTANUI 6TH DEFENDANT
PAULINA KABON KIPTANUI 7TH DEFENDANT
JANE SOTI KIPTANUI 8TH DEFENDANT
MAGDALINE TARGOK KIPTANUI 9TH DEFENDANT**

RULING

1. The defendants in this matter seek orders that pending the hearing and determination of this suit a temporary Injunction be issued restraining the Plaintiff and its members by themselves, their agents, servants, employees, or anyone authorized by them and acting on their behalf from trespassing on transferring, intermeddling, advertising for the sale, disposing of, letting, leasing, further building or otherwise in any other manner interfering with or dealing with all that parcel of land known as parcels



- no 1 18, 120, 121, and 122 9 and or any of their sub-divisions) in the proposed sub-division of LR No 482/5 and 482/6 measuring approximately 20 acres of Koyumtich Self-Help Group.
2. In the alternative, that this court be pleased to order that status quo be maintained in the parcel of land known as parcels no 118, 120, 121, and 122 (and or any of their sub-divisions) in the proposed sub-division of LR No 482/5 and 482/6 measuring approximately 20 acres of Koyumtich Self-Help Group in that no further sale and or disposition be undertaken with respect to the suit land and or its subdivisions.
 3. The Honorable Court to be pleased to issue an order to the County Police Commander Nakuru to assist in the enforcement of the said orders. The Applicant be at liberty to apply for such further or other orders and/or directions as this Honorable Court may deem fit and just to grant. The costs of this application be provided for.
 4. The application is based on grounds that the 6th Defendant is the beneficial owner of all those parcels of land known as parcels no 118, 120, 121, and 122 in the proposed sub-division of LR No 482/5 and 482/6 measuring approximately 20 acres of Koyumtich Self Help Group.
 5. That the 6th Defendant entered into a sale agreement for the said parcels of land with Winnie Jebichi Boronjo and Caroline Chemtai for a purchase price of Kshs 2, 250,000/= an acre making the entire purchase price Kshs 45,000, 000/=.
 6. That the said purchasers did not pay the agreed purchase price thus frustrating the transaction and the said parcel of land was subsequently sold to the Plaintiffs herein who are allegedly selling and or advertising the same for sale.
 7. That despite there being a pending suit on ownership of the suit properties, the Plaintiff through its members herein has commenced developments on the suit properties. That the actions of the Plaintiffs herein are to prejudice the Defendants interests in the suit properties and further prejudice this suit.
 8. The Plaintiff herein moved this court but instead of awaiting the outcome has proceeded to take the law into its hands to violate the rights of the defendants. The actions by the Plaintiff and its members are motivated by malice and made in bad faith and there is a need for this honorable Court to intervene. Unless the Plaintiff and its members are stopped, they will continue to interfere with the suit properties in a way that if they recover the said properties.
 9. In light of the foregoing, it would serve the in interest of justice to allow the Defendants/Applicants to amend the defence. The application is made in good faith and it is in the interest of justice that the same be allowed as prayed. The supporting affidavit reiterates the grounds.
 10. I have perused the affidavit on record and rival submissions and do find that there is already an order of status quo on record. Parties must fast track this matter for hearing rather than mark time on applications. I do order that the status quo on the ground and in the register of the suit properties at the land registry be maintained pending the hearing of the suit. The Deputy Registrar to visit the suit property within 15 days from today and file a status report. Hearing on 20th and 21st November 2024.

RULING DATED SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 30TH DAY OF MAY 2024.

A O OMBWAYO

JUDGE

