



Muloli v Land Registrar, Kakamega & another; Sindani & another (Interested Parties) (Environment & Land Petition E001 of 2023) [2025] KEELC 665 (KLR) (20 February 2025) (Ruling)

Neutral citation: [2025] KEELC 665 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA
ENVIRONMENT & LAND PETITION E001 OF 2023
DO OHUNGO, J
FEBRUARY 20, 2025**

BETWEEN

AGGREY MULOLI PETITIONER

AND

LAND REGISTRAR, KAKAMEGA 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

AND

BENSON KWENA SINDANI INTERESTED PARTY

ISAAC SCOUT SINDANI INTERESTED PARTY

RULING

1. The petitioner moved this Court through petition which he filed on 10th August 2023 and in which he sought the following orders:
 - a. A declaration that the 1st respondent in cancelling the registration of the petitioner's (sic) as proprietor of Kakamega/Chekalini/4886 without notice was in contravention of articles 10, 27, 47 and 232 of *the constitution* and section 9 of the LRA.
 - b. An order of certiorari to bring into this court and quash the illegal orders of the 1st respondent of cancelling the partition of land parcel No, Kakamega/Chekalini/1337 into 4885 and 4886.
 - c. A declaration that the petitioner is the bonafide owner of land parcels No. Kakamega/Chekalini/4886.



- d. The petitioner prays for general damages against the 1st respondent, 2nd respondent and the 1st interested party jointly and severally for breach of his rights under article 10, 27, 40 and 47 of *the constitution*.
2. When the matter came up before me for directions on 12th February 2024, I ordered that the parties address the Court on jurisdiction. At the request of the parties, directions for filing and exchange of written submissions on the issue were given.
3. The Petitioner filed submissions dated 9th December 2024. The said submissions did not at all address the issue of jurisdiction. The Respondents did not file any submissions.
4. On their part, the Interested Parties filed submissions dated 14th May 2024. They cited Article 162 (2) (b) and (3) of *the Constitution* as well as Section 13 of the *Environment and Land Court Act* and argued that the dispute falls within the jurisdiction of the Court.
5. I have considered the pleadings and the submissions. I wish parties had addressed the matter in detail. So as to give parties the opportunity to advance their arguments, and so as not to tie the hands of the trial Court, I have decided not to make a determination on the issue of jurisdiction at this point. Parties will, in due course, have an opportunity to address it before the trial Court.

DATED, SIGNED, AND DELIVERED THROUGH MICROSOFT TEAMS, AT NYAMIRA, THIS 20TH DAY OF FEBRUARY 2025.

D. O. OHUNGO

JUDGE

Delivered in the presence of:

Ms Namenge holding brief for Mr Luchivya for the Petitioner

Mr Simiyu for the Respondents

No appearance for the Interested Parties

Court Assistant: B Kerubo

