



REPUBLIC OF KENYA



Okondo & 10 others v Kiok & 2 others; Saidimo (Interested Party) (Environment & Land Case 74 of 2019) [2024] KEELC 5901 (KLR) (18 September 2024) (Ruling)

Neutral citation: [2024] KEELC 5901 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 74 OF 2019
MN GICHERU, J
SEPTEMBER 18, 2024**

BETWEEN

**GABRIEL ONSONGO OKONDO 1ST PLAINTIFF
ELIZABETH KEMUNTO ONGAKI 2ND PLAINTIFF
AMOS LEMANGEN OLE KAITEI 3RD PLAINTIFF
VERA ODERA OGEMBO 4TH PLAINTIFF
DAVID L.C. MWANIKI 5TH PLAINTIFF
LILIAN WANJIKU MUCHEMI 6TH PLAINTIFF
BEATRICE WANJIRA KAMAU 7TH PLAINTIFF
HUDSON LODENYO 8TH PLAINTIFF
JOSEPH MENGE 9TH PLAINTIFF
LILIAN NJERI THUKU 10TH PLAINTIFF
JOHN GICHUHA THUMBI 11TH PLAINTIFF**

AND

**SANGIRI OLE KIOK 1ST DEFENDANT
LAND REGISTRAR, KAJIADO NORTH 2ND DEFENDANT
ATTORNEY GENERAL 3RD DEFENDANT**

AND

KADIPO SAIDIMO INTERESTED PARTY



RULING

1. On 3/11/2022, this court ordered that the Land Registrar revisits the suit parcels, that is to say, Kajiado/Looldariak/123 and 876 and determines the boundary between them.
2. On 19/10/2023, the Land Registrar Kajiado West filed a report dated 11/9/2023 whose conclusion reads as follows.

“The boundary mark shown by the plaintiff is clearly the right beacon in the circumstances, especially because it maintains the map and would not alter the registered areas extensively”.

3. On 30/5/2023, the 1st defendant filed a notice of motion dated 24/4/2023 seeking a review of the order dated 3/11/2022. The motion which was based on three grounds and was supported by an affidavit by the 1st defendant was followed by another one dated 19/6/2023 seeking a stay of boundary determination exercise. The motions were opposed by the plaintiffs and the interested party who filed grounds of opposition dated 3/10/2023 and 14/9/2023 respectively.
4. Counsel for the parties were to file and exchange written submissions. I have carefully considered the two pending applications including the grounds, the affidavits and the written submissions. I find as follows. Firstly, as per the ruling dated 3/11/2022, this court has no jurisdiction in this matter by dint of Section 18(2) of the [Land Registration Act](#). Such jurisdiction resides in the Land Registrar. Secondly, under regulation 40 (6) of the Land Registration (General) Regulations, 2017 it is provided as follows.

Any party aggrieved by the decision of the Registrar made under paragraph (5) may, within 30 days of the date of notification, appeal the decision to the court”.

My understanding of Section 18(2) and regulation 40 (6) of the [Land Registration Act](#) and the 2017 Regulations is that the only jurisdiction that this court has in boundary disputes over registered land, is appellate and not original.

Finally, I direct that the decision of the Land Registrar contained in the report dated 11/9/2023 be implemented in full unless reversed on appeal.

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 18TH DAY OF SEPTEMBER 2024.

M.N. GICHERU

JUDGE

