



Arungah v Chief Land Registrar & another (Environment and Land Case Judicial Review Application E006 of 2024) [2024] KEELC 7021 (KLR) (24 October 2024) (Ruling)

Neutral citation: [2024] KEELC 7021 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE JUDICIAL REVIEW APPLICATION E006 OF 2024**

JA MOGENI, J

OCTOBER 24, 2024

**IN THE MATTER OF: AN APPLICATION FOR LEAVE TO ISSUE TO
FILE AND APPLICATION FOR JUDICIAL REVIEW IN THE FORM OF ORDERS OF
MANDAMUS AGAINST THE CHIEF LAND**

REGISTRAR/REGISTRAR

AND

**IN THE MATTER OF: RECONSTRUCTION OF LAND REGISTRY FILE
FOR LAND REFERENCE NUMBER 19222, IR NUMBER 696228/1**

IN THE MATTER OF: THE LAND REGISTRATION ACT NO. 3 OF 2012

AND

**IN THE MATTER OF: FAIR ADMINISTRATIVE ACTIONS ACT NO 4
OF 2015**

BETWEEN

PHILIP OBANDAH ARUNGAH APPLICANT

AND

CHIEF LAND REGISTRAR 1ST RESPONDENT

THE HONORABLE ATTORNEY GENERAL 2ND RESPONDENT



RULING

1. On 05/06/2024, this court granted leave to the Ex-parte applicant, Philip Obandah Arungah to commence the instant Judicial Review application. The ex-parte applicant is represented by firm of M/s. Munyithia, Mutugi, Umara & Muzna and Company Advocates in this application.
2. As a result, on 24/04/2024, the ex-parte applicant brought this Judicial Review application by way of a Notice of Motion of even date under Section 7,8 and 9 of the *Fair Administrative Action Act* No. 4 of 2015, Section 9 and 33 (5) of the *Land Registration Act* No. 3 of 2012, Articles 22 and 47 of *the Constitution* of Kenya 2010, and all other enabling provisions of the law seeking the following reliefs. -
 - i. That the Honorable Court be pleased to issue orders of judicial review in the form orders of mandamus to compel the Chief Land Registrar/Registrar, the 1st Respondent to reconstruct the Land Register File for Land Reference Number 19222, IR Number 69628/1 to facilitate the Applicant to register transfer
 - ii The costs of the application be provided for.
3. The court has noted while perusing the Transfer document that the suit property is situate in West Machakos Municipality in Machakos District as stated on the document.
4. This being the case, the Court directs that this file be placed before the Deputy Registrar for transfer to Machakos ELC Court for determination.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 24TH DAY OF OCTOBER 2024

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MOGENI J

JUDGE

In the virtual presence of:

Ms. Jin for Munyithya for Applicant

No appearance for Respondent

