



**Ondieki v Rono & 2 others (Environment & Land Case E044 of 2022)  
[2024] KEELC 14129 (KLR) (20 December 2024) (Judgment)**

Neutral citation: [2024] KEELC 14129 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE E044 OF 2022  
A OMBWAYO, J  
DECEMBER 20, 2024**

**BETWEEN**

**KENNEDY BONZER ONDIEKI ..... PLAINTIFF**

**AND**

**NICHOLAS KIPKERING RONO ..... 1<sup>ST</sup> DEFENDANT**

**THE CHIEF LAND REGISTRAR & ANOTHER & ANOTHER &  
ANOTHER ..... 2<sup>ND</sup> DEFENDANT**

**JUDGMENT**

1. Kennedy Bonzer Ondieki (hereinafter referred to as the plaintiff) sued Nicholas Kipkering Rono (hereinafter referred to as the 1st defendant) and the Chief Land Registrar and the Attorney General hereinafter referred to as the 2nd and 3rd defendants respectively. The plaintiff claims that he purchased the suit land vide an agreement of 21st March 2005 from William Kimutai Langat for valuable consideration of Kshs280,000/=. The plaintiff avers that upon completion of the purchase price, he caused the suit land to be transferred and registered in his name. To this end a title deed was issued in his name on 17th January 2007. The plaintiff avers that he has developed the suit land by putting up rental houses that are now his only source of income in retirement.
2. The plaintiff avers that sometimes in 2019, he received information from his caretaker one Finidhi Tuikong that there were suspicious persons who kept on visiting the suit land and that when these visits became persistent, he decided to conduct an official search at the 2nd defendant's offices to confirm the status of the suit land and his true fears were confirmed upon conducting the official search. The suit land is registered in the name of the 1st defendant.

The plaintiff avers that the 1st defendant acquired the title to the suit land fraudulently, there has never been any transaction between the plaintiff and the 1st defendant over the suit land. That upon requesting for the 'green card' for the suit land he was informed that the suit land does not have any cards in its register by the 2nd defendant.



The plaintiff prays for a declaration that he is the absolute owner of the suit land, Nakuru/municipality Block21/174.

3. He seeks an order of cancellation of the title deed issued to the 1st defendant. He further seeks an order of permanent perpetual injunction restraining the 1st defendant herein either himself, his agents, employees, servants and/or proxies from transferring, disposing off, entering therein, remaining therein and/or dealing in any other manner whatsoever with the parcel land known as Nakuru Municipality Block 21/174. Lastly, he prays for costs and interests of this suit. The 1st defendant neither entered appearance nor filed defence.

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The 2nd and 3rd defendant entered appearance through the Attorney General who denied any act of illegality or fraud. When the matter came up for hearing Kennedy Bonzer Ondieki testified that he is the registered owner of the suit property. On the suit property the plaintiff has constructed permanent structures. The plaintiff lamented that the 1st defendant has been encroaching on the suit property with an intention of taking possession. He also intends to sell the land to other interested persons. The Minister of Lands has found that the property belongs to the plaintiff. On cross examination by M/s Adomeyon learned litigation counsel, she states that he has the original title.

4. The 1st defendant did not call any evidence and therefore the plaintiff's evidence is uncontroverted by the first defendant. I do find that the plaintiff has proved his case on a balance of probabilities as against the 1st defendant and therefore I do give judgment to the plaintiff as prayed thus a declaration that he is the absolute owner of the suit land, Nakuru/municipality Block21/174. I do grant an order of cancellation of the title deed issued to the 1st defendant and an order of permanent perpetual injunction restraining the 1st defendant herein either himself, his agents, employees, servants and/or proxies from transferring, disposing off, entering therein, remaining therein and/or dealing in any other manner whatsoever with the parcel land known as Nakuru Municipality Block 21/174. Lastly, I do order that each party bears own costs. Orders accordingly.

**SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO**

**THE JUDICIARY OF KENYA.**

**NAKURU ENVIRONMENT AND LAND COURT**

**ENVIRONMENT AND LAND COURT**

**DATE: 2024-12-20 12:46:27**

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