



**Saizi v Bechenjo (Environment and Land Miscellaneous Application
E008 of 2022) [2023] KEELC 270 (KLR) (17 January 2023) (Ruling)**

Neutral citation: [2023] KEELC 270 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT BUSIA
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E008 OF 2022
BN OLAO, J
JANUARY 17, 2023**

BETWEEN

DAVID MUKANGULA SAIZI PLAINTIFF

AND

NOAH NAMUNGU BECHENJO RESPONDENT

RULING

1. I have perused the plaintiffs application dated July 21, 2022 which basically seeks the transfer of Busia CMCC No 171 of 2019 to this court on the ground that the subordinate court has no jurisdiction to cancel a title deed – see paragraph (c) of the grounds upon which the application is premised and paragraph 7 of the plaintiff’s supporting affidavit.
2. The true position is that following amendments to the *Environment and Land Court Act* as well as the Magistrate’s Court Act, Subordinate Courts can hear land disputes and make any appropriate orders including cancellation of title deeds so long as the subject matter is within their pecuniary jurisdiction.
3. Mr. Jumba has informed me from the Bar that the value of the land in dispute is within the pecuniary jurisdiction of the Chief Magistrate’s Court Busia. I have no reason to doubt that. In any event, the basis of the application for transfer of Busia CMCC No 171 of 2019 to this court was not because the subordinate court lacked pecuniary jurisdiction in the matter before it.
4. In the circumstances and in order to expedite proceedings in the subordinate court, this court makes the following Orders suo motto:
 1. The Notice of Motion dated July 21, 2022 is struck out.
 2. No orders as to costs.

BOAZ N. OLAO

JUDGE



17TH JANUARY 2023

**RULING DATED, SIGNED AND DELIVERED IN OPEN COURT AT BUSIA ON THIS 17TH DAY
OF JANUARY 2023 BY WAY OF ELECTRONIC MAIL.**

BOAZ N. OLAO

JUDGE

17TH JANUARY 2023

