



**Nyang'or & another v Homabay County Land Surveyor & 2 others (Judicial Review Miscellaneous Application E001 of 2023) [2023] KEELC 15969 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 15969 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E001 OF 2023  
GMA ONGONDO, J  
FEBRUARY 28, 2023**

**BETWEEN**

**JACOB ARWA NYANG'OR ..... 1<sup>ST</sup> APPLICANT**

**KENNEDY OCHIENG ORANGA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**HOMABAY COUNTY LAND SURVEYOR ..... 1<sup>ST</sup> RESPONDENT**

**HOMABAY COUNTY LAND REGISTRAR ..... 2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. By chamber summons application dated January 12, 2023 brought under order 53 rule 1(1) (2) and (4) of the *Civil Procedure Rules*, 2010, among other provisions of the law, the applicants through the firm of Aluoch Odera and Nyauke Company Advocates are seeking the orders as follows:
  - a) Certiorari – to quash the decision of the County Land Surveyor and County Land Registrar to create access road on land parcel number Kanyamwa/Kayambo/Kwamo 2951.
  - b) Mandamus – to compel the County Land Surveyor and the County Land Registrar to remove the access road created on land parcel number Kanyamwa/Kayambo/Kwamo/2951.
  - c) Prohibition – to prohibit any feature creation of the access road on land parcel number Kanyamwa/Kayambo/Kwamo/2951.



2. Learned counsel, Aluoch Odera for the applicant has informed the Court that:

“Chamber summons dated January 12, 2023 duly served as per affidavit of service sworn on January 18, 2023 and filed on January 24, 2023. There is no response to the application. May orders (a) (i) to (iii) and (b) sought therein be allowed”.

3. The respondents duly served have not responded to the application.

4. It is finding of this court that the application is unopposed, firm and merited.

5. Thus, the application is hereby allowed in terms of orders a(i) (ii) and (iii) as sought therein and as stated in paragraph 1(a) (b) and (c) hereinabove.

6. Costs be in the cause.

7. It is so ordered.

**DELIVERED, DATED AND SIGNED AT HOMABAY THIS 28<sup>TH</sup> DAY OF FEBRUARY 2023.**

**G.M.A ONG’ONDO**

**JUDGE**

**Present.**

**1. Aluoch Odera, learned counsel for the applicants.**

**2. Mutiva, court assistant.**

