

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**  
**E.L.C CASE NO. 1164 OF 2016**

**IN THE MATTER OF:     AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW**  
**ORDERS OF CERTIORARI AND PROHIBITION**

**AND**

**IN THE MATTER OF:     ARTICLES 47 AND 67 OF THE CONSTITUTION OF**  
**KENYA, 2010**

**IN THE MATTER OF:     THE FAIR ADMINISTRATIVE ACTION ACT, ACT NO. 4**  
**OF 2015**

**IN THE MATTER OF:     SECTION 14 OF THE NATIONAL LAND COMMISSION**  
**ACT, CHAPTER 5D OF THE LAWS OF KENYA**

**BETWEEN**

**DUNCAN KABETHI WACHIRA.....APPLICANT**

**-VERSUS-**

**NATIONAL LAND COMMISSION.....RESPONDENT**

**-AND-**

**LAKE NAIVASHA RIPARIAN ASSOCIATION.....INTERESTED PARTY**

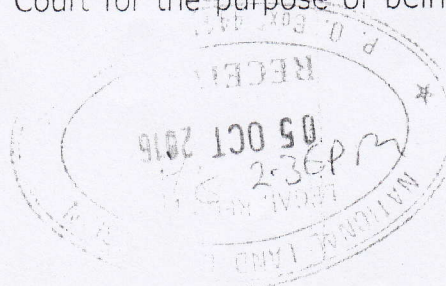
**IN CHAMBERS ON 23<sup>RD</sup> SEPTEMBER 2016**  
**BEFORE HON. LADY JUSTICE GITUMBI**

**ORDER**

**UPON READING** the Application presented to this Court on 23<sup>rd</sup> September 2016 by counsel for the Applicant under Section 8 of the Law Reform Act, Cap 26 Law of Kenya and Order 53 Rule 1 and 3 of the Civil Procedure Rules **AND UPON READING** the Statutory Statement and Verifying Affidavit of **DUNCAN KABETHI WACHIRA** sworn on 21<sup>st</sup> September 2016 together with annexures hereto;

**IT IS HEREBY ORDERED;**

1. **THAT** leave be and is hereby granted to the Applicant to apply for an Order of Certiorari to bring into the Honourable Court for the purpose of being quashed

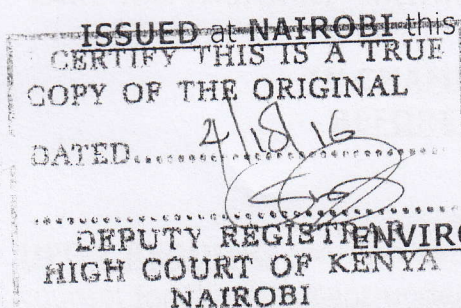




the Respondent's decision dated 22<sup>nd</sup> August 2016 revoking the Applicant's title to all that parcel of land known as L.R. No. 22957/1.

2. **THAT** leave be and is hereby granted to the Applicant to apply for an Order of Prohibition to prohibit the Respondent by itself, servants, agents, employees or whomsoever from reviewing, revoking or alienating the Applicant's title to all that parcel of land known as L.R. No. 22957/1 or from interfering with the Applicant's ownership and quiet possession of all that parcel of land known as L.R.No. 22957/1 or having any other dealing whatsoever in relation to all that parcel of land known as L.R No. 22957/1 or taking any further proceedings or action in relation thereto.
3. **THAT** the grant of leave do operate as a stay of the Respondent's decision dated 22<sup>nd</sup> August 2016 revoking the Applicant's title to all that parcel of land known as L.R. No. 22957/1 pending the hearing and determination of this suit.
4. **THAT** the substantive notice of motion be filed and served within 21 days from today's date.
5. **THAT** the suit be listed for mention on 25<sup>th</sup> October 2016 before any ELC Judge. The Respondent and Interested Party to be served.

**GIVEN UNDER** my hand and the seal of this Honourable Court this 23<sup>rd</sup> day of September 2016.

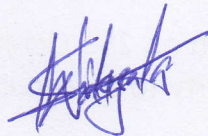


DEPUTY REGISTRAR  
ENVIRONMENT AND LAND COURT, NAIROBI

**TAKE NOTICE** that any party served with this Order and disobeys the same shall be guilty of contempt of Court and liable to imprisonment for a term not exceeding six(6) months or both fine and imprisonment.



Received by  
Silas Wagala  
14<sup>th</sup> October 2016 at 12:56 pm



LAKE NAIVASHA  
RIPARIAN ASSOCIATION