



Case Number:	Miscellaneous Application 1 of 2011
Date Delivered:	11 Nov 2011
Case Class:	Civil
Court:	High Court at Kisumu
Case Action:	Ruling
Judge:	Hilary Kiplagat Chemitei
Citation:	REPUBLIC v SENIOR RESIDENT MAGISTRTE BONDO & another EX-PARTE GILBERT OTOLO OCHIENG & another [2011] eKLR
Advocates:	-
Case Summary:	..
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
<p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p>	

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISUMU**

Miscellaneous Application 1 of 2011

**IN THE MATTER OF AN APPLICATION BY GILBERT OTOLO OCHICNEG AND JOHN HUMPHREYS  
OUMA FOR JUDICIAL REVIEW IN THE NATURE OF ORDERS OF CERTIORARI AND  
PROHIBITION**

**AND**

**IN THE MATTER OF LAND PARCEL NO. SIAYA / GOT AGULU / 378**

**REPUBLIC .....APPLICANT**

**VERSUS**

**THE SENIOR RESIDENT MAGISTRTE BONDO.....1<sup>ST</sup> RESPONDENT**

**THE CHAIRMAN BONDO DISTRICT**

**LAND DISPUTE TRIBUNAL.....2<sup>ND</sup> RESPONDENT**

**AND**

**MARGARET APIYO OMBERA.....INTERESTED PARTY**

**AND**

**GILBERT OTOLO OCHIENG.....EX-PARTE APPLICANT**

**JOHN HUMPHREYS OUMA.....EXPARTE APPLICANT**

**RULING**

The application dated 29<sup>th</sup> June 2011 seeks the following orders:-

**(a) An order of certiorari removing into this Honourable court the orders issued by the 2<sup>nd</sup> respondent NO. BON/114/2010 Bondo Land Dispute Tribunal and adopted by the 1<sup>st</sup> respondent in Bondo SRMCC Mis Application number 24 of 2010 in respect of land parcel number SIAYA / GOT AGULU/378 for the purpose of the same being quashed.**

**(b) An order of prohibition directed at the 1<sup>st</sup> and 2<sup>nd</sup> respondent restraining them by themselves, agents, servants or otherwise howsoever from entering fresh or further proceedings in respect of land parcel number SIAYA / GOT AGULU / 378.**

**(c) Costs**

The said application was not opposed. I have also perused the affidavit of service by one Kennedy O. Owiti dated 18<sup>th</sup> July 2011 and I am satisfied with the service.

The applicant now owns the land with one John Humphrey Ouma. He was never made a party. Further the tribunal lacked jurisdiction to entertain this claim as it involved land with a title. The tribunal mandate is well clear and doesn't included land with title as in the present case.

For these reason I allow the application as prayed. The applicant shall have the cost of the application.

Orders accordingly.

**Dated, signed and delivered at Kisumu this 11<sup>th</sup> day of November 2011.**

**H. K. CHEMITEI**

**JUDGE**



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)