



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
LAND AND ENVIRONMENT COURT
E.L.C MISC APPLICATION NO. 607 OF 2013

MUGO MUKEREAPPLICANT

VERSUS

THE DISTRICT LAND REGISTRAR EMBU..... 1ST RESPONDENT

THE HON. ATTORNEY GENERAL2ND RESPONDENT

RULING

This is in respect of the applicant's Notice of Motion dated 31st May 2013 and filed herein on 3rd June 2013 seeking the main prayer that this Court be pleased to order that the Prohibition/Restriction registered on Title No. MBETI/GACHOKA/1555 on 10th September 1991 be removed.

The application is supported by the applicant's affidavit in which he depones, inter alia, that the prohibitions/restrictions on the land was vide an order in Embu C.M.C.C No. 196 of 1991 which case was won by the applicant in Civil Appeal No. 57 of 2003.

The application was not opposed and when the matter came up for hearing on 17th September 2013, Mr. Montari for the respondent raised no objections and left the matter to the Court.

I have considered the application. **Sections 70 (d) and 78 (2) of the Land Registration Act** give the Court the power to cancel and/or remove any inhibitions or restrictions placed on any land. The prohibitions/restrictions placed on the parcel of land No. MBETI/GACHOKA/1555 were following a Court order in Embu CMCC No. 196 of 1991. That case was determined in favour of the applicant in Nairobi H.C.C Appeal No. 57 of 2003 a copy of which was annexed to the applicant's supporting affidavit. There is therefore no need for the continued prohibitions/restrictions to be on the said land and no reasons have been advanced as to why they should not be removed.

I accordingly allow the application and order the removal of the said prohibitions/restrictions on land No. MBETI/GACHOKA/1555. There shall be no order as to costs.

B.N. OLAO

JUDGE

30TH SEPTEMBER, 2013

30/9/2013

Coram

B.N. Olao – Judge

CC – Muriithi

Applicant – present

Respondents – absent

APPLICANT: My advocate is not in but I wish to take the ruling

COURT: Noted.

Ruling delivered in open Court this 30th day of September 2013.

Applicant present

Respondents – absent.

B.N. OLAO

JUDGE

30TH SEPTEMBER, 2013