



Njeri & 7 others v Nyakiongora & 3 others; National Land Commission & another (Interested Parties) (Judicial Review Application E005 of 2026) [2026] KEHC 286 (KLR) (Judicial Review) (22 January 2026) (Ruling)

Neutral citation: [2026] KEHC 286 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E005 OF 2026
RE ABURILI, J
JANUARY 22, 2026**

BETWEEN

**MAGDALENE NJERI 1ST APPLICANT
JANE ROSE RUGURU 2ND APPLICANT
ROSE ODHIAMBO 3RD APPLICANT
BEATRICE KAGEHA 4TH APPLICANT
JENIPHER APONDI 5TH APPLICANT
PRISCILLA WAWIRA 6TH APPLICANT
MICHAEL NJIRU 7TH APPLICANT
JOHN MUNGAI MURIGU 8TH APPLICANT**

AND

**MOSES NYAKIONGORA 1ST RESPONDENT
NATIONAL BUILDING INSPECTORATE AND MULTI-SECTORAL
COMMITTEE ON UNSAFE STRUCTURES 2ND RESPONDENT
MINISTRY OF TRANSPORT INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT & PUBLIC WORKS 3RD RESPONDENT
THE HON ATTORNEY GENERAL 4TH RESPONDENT**

AND

NATIONAL LAND COMMISSION INTERESTED PARTY



RULING

1. The chamber summons dated 21st January 2026 seeks leave of court to apply for Judicial Review orders of mandamus to compel the Respondents to settle decree in Nairobi ELC Petition 47/2018 issued vide judgment rendered on 28/6/2022.
2. The application is brought under certificate of urgency, I however find no urgency involved as the decree has been pending for a while. I therefore do not certify the application as urgent.
3. However, there is the question of jurisdiction of courts. The decree was issued by the Environment and Land Court. Section 14 of the Environment and Land Court Act provides for the manner or mode of enforcement or execution of decrees of that court. The Section reads:

Enforcement of court orders:

“ A judgment, award, order or decree of the court shall be enforceable in accordance with the Civil Procedure Act (Cap 21).
4. Additionally, Section 13 of the Environment and Land Court Act provides for jurisdiction of the Environment and Land Court and on what orders or reliefs that the court can grant in exercise of its jurisdiction of the Act, the Act stipulates at Section 13(5)(b) provides one of the remedies to be prerogative orders.
5. That being the case, and as mandamus is a Judicial Review (traditionally a prerogative order), the only court that has jurisdiction to entertain this application is the Environment and Land Court.
6. There is no reason at all why the Applicant’s Counsel could not read the law to appraise himself of which court has jurisdiction to enforce decree of the Environment and Land Court. Jurisdiction is everything and without it, a court of law acts in vain.
7. Jurisdiction of the High Court and courts of equal status is distinct and separate. It is not shared. See Republic v Karisa Chengo and 2 others, Petition 5 of 2015, Judgement of the Supreme Court at Nairobi, 26 May 2017, [eKLR] the Karisa Chengo case.
8. Furthermore, Article 165 (5) (b) of the Constitution expressly bars the High Court from hearing and determining disputes which are exclusively reserved for the Supreme Court and the courts of equal status contemplated in Article 162 (2) of the Constitution namely, the Employment and Labour Relations Court and the Environment and Land Court as established and operationalized under their respective statutes.
9. Accordingly, for want of jurisdiction, this court will not belabour calling on parties to argue out on whether it has jurisdiction or not as the issue of jurisdiction of this court in execution of decrees of courts of equal status is settled and not negotiable through arguments. It is not an issue of technicality curable by application of Article 159 (2) (d) of the Constitution which provides that justice shall be administered without undue regard to procedural technicalities.
10. This court has taken the liberty to inquire on its jurisdiction and having so found that it is devoid of jurisdiction to entertain this matter, it lays down its tools and strikes out the chamber summons dated 21/1/2026 with no orders as to costs.



11. This file is closed.

12. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF JANUARY, 2026

R.E. ABURILI

JUDGE

