**Leperes and others v Nkama Group Ranch and others**

**Division:** Court of Appeal of Kenya at Nairobi

**Date of judgment:** 16 June 2005

**Case Number:** 124/05

**Before:** Omolo, Waki and Deverell JJA

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*[1] Land – Group ranches – Procedure of determination who is or is not a member of a group ranch.*

**Editor’s Summary**

The applicants brought an application under rule 5(2)(*b*) of the Court of Appeal Rules seeking injunctive relief. Their claim was that they ought to have been registered as members of the first respondent but that the respondents refused, or neglected, to so register them. Meanwhile, the first respondent was sub-dividing with a view to issuing separate titles to members in its register. If the sub-division was completed and titles issued before the applicants are registered as members, they averred that they would lose out. The applicants’ application to the High Court, to restrain the respondents from subdivision of the disputed land, was dismissed hence the current application.

**Held** – The jurisdiction to determine who is or who is not a member of a group ranch under the Land (Group Representatives) Act is first with the majority of the group representatives, who have to sign a certificate stating who is or who is not a member. Any party aggrieved with such a decision may proceed to the court of a district magistrate exercising jurisdiction in the area where the ranch is situated, whose determination is final and there is no right of appeal. The applicant had not even applied for the certificate and, therefore, the intended appeal stood no chances of success.

Application disallowed.

**No cases referred to in judgment**