



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC PETITION NO. 18 OF 2016**

**AMOS ALBERT NJERU.....PETITIONER**

**VERSUS**

**DISTRICT LAND REGISTRAR**

**IMENTI NORTH/SOUTH DISTRICT.....1<sup>ST</sup> RESPONDENT**

**JOHN BENDERA MWONGERA.....2<sup>ND</sup> RESPONDENT**

**THE HON. ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**JUDGMENT**

1. The document being referred to as a petition and dated 30.5.2016 has no date of filing (same fate befalls the verifying affidavit). There is no receipt to indicate that the document was ever filed. The petition is hence not properly presented before this court.
2. I also note that on 24.1.2017, the court gave directions for the District Surveyor to visit the scene to confirm whether the boundary between the two suit parcels is correct and to determine if any party has encroached on the other. The petitioner was to meet the costs of the scene visit. He did not comply.
3. The court also gave directions that the petition be argued by way of written submissions. The petitioner did not comply.
4. The upshot of my findings are that the petitioner has failed to properly present the petition and he has also failed to prosecute the same.
5. Needless to say that the dispute herein is a boundary dispute which does not fall in the ambit of a constitutional petition.
6. In the circumstances this suit is hereby dismissed with costs to respondent.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 7<sup>th</sup> MARCH, 2018 IN THE PRESENCE OF:-**

**Court Assistant: Janet/Galgalo**

**Mugo for 2<sup>nd</sup> respondent**

**Attorney General for 1<sup>st</sup> respondent absent**

**Mutuma for petitioner**

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**