



United Kenya Limited v Mereu & 5 others (Environment & Land Case 959 of 2017) [2023] KEELC 22038 (KLR) (5 December 2023) (Ruling)

Neutral citation: [2023] KEELC 22038 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 959 OF 2017
MN GICHERU, J
DECEMBER 5, 2023**

BETWEEN

UNITED KENYA LIMITED PLAINTIFF

AND

JOHN LAMISON OLE MEREU 1ST DEFENDANT

RUKIYA ENE LAMISON 2ND DEFENDANT

NGAYAMI OLE MEREU 3RD DEFENDANT

NANKOYA ENE NGAYAMI 4TH DEFENDANT

LEKUTUK OLE SIMPALA 5TH DEFENDANT

RESIATO ENE LEKUTUK 6TH DEFENDANT

RULING

1. This ruling is on the notice of motion dated 2/5/2023. The motion which is by the decree holders is brought under Order 51 of the Civil Procedure Rules, Sections 152A, B and E of Land Act, 2012, and all the other enabling provisions of the law. It seeks the following orders.
 - a. Eviction of the respondents from LR Kajiado/Loodariak/638, suit land.
 - b. Demolition of the temporary residential structures, livestock pens and all other structures erected by the defendant on the suit land.
 - c. The OCPD Kajiado West to provide security during the eviction and demolition exercise.
 - d. Costs of the application be provided for.
2. The motion is based on seven (7) grounds, an affidavit sworn by Charles Wachira Ngundo, a director of both decree holders and three annexures. In summary the decree holders are saying that they own



the suit land and this ownership was confirmed by this court's judgment dated 3/10/2022. The same judgment ordered that the respondents should vacate the suit land. In spite of service of the said order on the respondents they have refused to vacate the land voluntarily. It is for these reasons that the filing of this motion has become necessary.

3. The respondents were not served personally with the current application. It was served upon Kituo Cha Sheria on 26/6/2023. Kituo cha sharia received the application under protest on the grounds that the respondents withdrew instructions from them and picked their file.
4. I have carefully considered the motion in its entirety and I find that service should have been personal on the respondents and not upon their counsel. Since the decree is more than one year old, the decree holder to do the following.
 - a. Issue a notice of 90 days to the respondents to vacate the land and have it served physically on all of them.
 - b. The said notice to be in English and Kiswahili.
 - c. The said notice to specify how the buildings on the land will be demolished.
 - d. The said notice to be served on the Deputy County Commissioner and the Officer Commanding Police Division of the area in which the suit land is situated.

If the respondents do not vacate the suit land voluntarily, they may be evicted on expiry of the 90 days.

Order accordingly.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 5TH DAY OF DECEMBER 2023.

M.N. GICHERU

JUDGE

