



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**LAND & ENVIRONMENT COURT**  
**SUIT NO 185 OF 2014**

**BENJAMIN F. NGUNGI.....PLAINTIFF/APPLICANT**

**VERSUS**

**MERU COUNTY GOVERNMENT.....DEFENDANT/RESPONDENT**

**R U L I N G**

This application is dated 24th December, 2014 and seeks orders:-

1. ***THAT the Honourable Court be pleased to certify this application as urgent.***
2. ***THAT the honourable Court be pleased to issue temporary order of injunction restraining the defendant by it's officials , agent, servants, constructors or anybody acting at its behest from demolishing or in any other way whatsoever from interfering with the premises and or building situated on Land parcel No. 14463/Amwathi/Maua in Maua township in Igembe South-Sub-County pending inter-parties hearing of this application or until further orders of this Court.***
3. ***That the Honourable Court be pleased to order temporary order of injunction restraining the defendant by it's officials , agent, servants, constructors or anybody acting at its behest from demolishing or in any other way whatsoever from interfering with the premises and or building situated on land parcel No. 14463/AMWATHI/MAUA township in Igembe South-Sub County pending inter -parties hearing and determination of this suit or until further orders of this court.***
4. ***Costs of this application be provided for:***

The application is supported by the affidavit of the Plaintiff, BENJAMIN F. NKUNGI, and has the following grounds: -

1. ***The Plaintiff is the registered owner of land parcel /plot No. 14463/ANWATHI/MAUA.***
2. ***The Plaintiff constructed a commercial premises in parcel/plot No. 14463/AMWATHI/MAUA in accordance with by-laws of the then Maua Municipal Council.***
3. ***The Defendant assured Plaintiff and others who complained that their premises wont be demolished as there was no justification for the demolition.***
4. ***The defendant's agents are threatening to demolish Plaintiff's commercial premises situated in***

*the said land.*

5. *That unless orders of the Honourable Court are issued Plaintiff is likely to suffer irreparable loss and damages.*
6. *The Defendant's actions are illegal unprocedural and unconstitutional.*

During directions on 26/04/2016, it transpired that the application was not opposed. **Consequently Prayer 3 in the application is confirmed . Costs shall be in the cause. The application is hereby marked as settled.**

It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 26<sup>TH</sup> DAY OF APRIL, 2016 IN THE PRESENCE OF:-**

cc: Lilian/Daniel

Mutembei for the Plaintiff /Applicant

Muthamia for the Defendant/Respondent

**P.M. NJOROGE**

**JUDGE**