



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT & LAND CASE NO. 224 OF 2016

STEPHEN MAGANA GIKUNDA.....PLAINTIFF

VERSUS

JOSEPH KATHUNKUMI NCEBERE & 3 OTHERS.....DEFENDANTS

RULING

1. This application is dated 8th November, 2016 and seeks orders that:-

1. This Honourable Court be pleased to issue an order compelling the District Surveyor Meru County and the District Registrar Meru County to Re-measure and fix boundaries of Land Parcel No. NYAKI/MULATHANKARI/2385 eradicated or/and removed by the respondents/defendants.

2. The OCS Meru Police Station further be compelled to implement the order for fixing boundaries by supervising to maintain rule of law and order in any event.

3. This Hon. Court be pleased to issue an order restraining permanently respondents from eradicating surveyors beacons/poles

2. The application has the following grounds:-

a) The respondents/defendants eradicated surveyors Beacons/poles fixed on Land Parcel No. NYAKI/MULATHANKARI/2385 by force belonging to the applicant/plaintiff.

b) The respondents/defendants share (sic) conspired to consolidate the applicant/plaintiff land parcel NO. NYAKI/MULATHANKARI/2385 by eradicating or removing surveyor's Beacons/ and poles.

c) The action taken by respondent/defendants is motivated by malice and contempt of public interest and conspiracy to influence fraud of Applicant/Plaintiff land afore -said illegally.

3. During Interpartes hearing on 13/12/2016, it transpired that the application was not opposed. The Defendants merely asked for time to file grounds of opposition.

4. In the circumstances it is ordered as follows:-

(1) The District Surveyor, Meru County and the District Registrar Meru County are ordered to re-measure and fix boundaries of land parcel No. NYAKI/MULANTHAKARI/2385 allegedly removed by the respondents/defendants.

(2) The O.C.S Meru Police Station is ordered to assist in the implementation of order1 above so that law and order are maintained.

(3) Costs to facilitate the implementation of orders 1 and 2 above are to be met by the Plaintiff/Applicant who is also required to liaise with the concerned Government officers.

(4) Costs to eventually be in the cause.

5. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 13TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-

CA: Daniel /James

Ashava h/b Ondari for Respondents

Stephen Magana -Applicant

P.M. NJORGE

JUDGE