

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Environmental & Land Case 1275 of 2007

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ELC NO. 1275 OF 2007

GODFREY HINGA GATIRO1ST PLAINTIFF

GEOFFREY KARIUKI MURIITHI2ND PLAINTIFF

JOYCE NYAMBURA MACHARIA3RD PLAINTIFF

V E R S U S

TOBIAS OPONDODEFENDANT

J U D G M E N T

The uncontroverted evidence of the Plaintiffs was that the 1st Plaintiff was allocated Commercial Plot No. V at Komarock (HFCK) Phase 1 Shopping Centre (Exhibit 1(a)), the 2nd Plaintiff was allocated Plot No. X (Exhibit 2 (a)) at the same place, and the 3rd Plaintiff was allocated Plot No. W (Exhibit 3 (a)) also at the same place. The allocation was by Nairobi City Council. The Plaintiffs each paid for the plot and the payment was acknowledged by the Council. They complain that the Defendant has without any legal basis or claim trespassed on the plots and constructed thereon. I accept the evidence and find the Plaintiff to be owners of the respective plots. An order of permanent injunction shall issue restraining the Defendant, his agents, employees and/or servants from constructing and/or entering and/or erecting and/or erecting a building on the said plots.

The Plaintiffs as owners of the plots are entitled to possession, occupation, quiet enjoyment and use of the same. This right has been interfered with by the illegal entry and construction on the plots. This is since 2003 when the Plaintiffs came to court. I order that the Defendant pays to each Plaintiff KShs. 100,000/= in general damages. Costs shall follow the event.

DATED, SIGNED AND DELIVERED AT NAIROBI

THIS 29TH DAY OF SEPTEMBER 2010

A. O. MUCHELULE

J U D G E