



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Civil Case 298 of 2003

SAMMY MWANGANI

MUSYOKA ILIMA

NZULA MUEMA

MULI MWANGO

MATHEKA MALEI

MAUNDU MUTHOKA

MUTHUSI MUEMA

KISILU MUNYWOKI

JANE MUIKIA

**NZULE MUSYOKA.....
PLAINTIFFS**

VERSUS

**THE COMMISSIONER OF LANDS.....1ST
DEFENDANT**

**THE ATTORNEY GENERAL.....2ND
DEFENDANT**

**THABITI FINANCE CO. LTD.....3RD
DEFENDANT**

**NATIONAL BANK OF KENYA.....4TH
DEFENDANT**

**JAMES GAMAU WAINAINA.....5TH
DEFENDANT**

LUCY NYAWIRA.....6TH
DEFENDANT

SERA WANJIKU.....7TH
DEFENDANT

SIMON MUTURI WANGUO.....8TH
DEFENDANT

RAPHAEL MUIGAI MWANGI.....9TH
DEFENDANT

PAUL KAHUTI KONDIAH.....10TH
DEFENDANT

RULING

On 26th March 2003 the plaintiffs filed this suit against the defendants seeking order that:

- (a) The 1st defendant be compelled to register the suit land in the names of the plaintiffs.
- (b) That an order do issue restraining the defendants, their agents servants from evicting or threatening to evict or interfere with the plaintiff's quiet possession of the suit land and a declaration that the suit land is the plaintiffs ancestral land and hence belongs to them.
- (c) An order compelling the 1st Defendant to cancel all the grants or any allocation in respect of the suit land and particularly L.R. NO.209/11543, 11544, 115446, 18270 and 18278.

The applicants are named as 8, 9 and 10 defendants in the plaint. They now apply for orders that the suit be heard on priority basis. The application is based on the grounds that the suit land is registered in favour of the 8th, 9th and 10th defendants as Trustees on behalf of Mwithuria Self Help Group and that squatters have now started constructing on the suit land and the position on the ground may change thus making it difficult to effect any court orders that may be issued, that the matter relates to a parcel of Land being claimed by 2 groups of people, is sensitive and that the same be heard urgently.

I have perused the pleadings and one of the orders sought by the plaintiffs is to compel the 1st Defendant to cancel all grants issued in respect of the parcels of land the subject matter of this suit. This is evident that the plaintiffs admit that the applicants are the registered proprietors of the same. Suits of this nature are on the increase and to avoid chaos, the end of justice requires that they be given priority and be determined at the earliest possible.

I allow the application and order that the suit be heard on priority basis. Both parties to go to the registry and be given a date on priority basis. It is so ordered.

DATED and delivered at this 30th day of March 2006.

J.L.A. OSIEMO

JUDGE