



**Shah & another v Erick Mutuma Murithi t/a Squad Three Services & 2 others;  
Estate of Simon Njenga Ndaba & another (Interested Parties) (Environment and  
Land Case E258 of 2025) [2025] KEELC 5186 (KLR) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5186 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND CASE E258 OF 2025**

**CA OCHIENG, J  
JULY 10, 2025**

**BETWEEN**

**NITINCHANDRA MEGHJI NAYA SHAH ..... 1<sup>ST</sup> PLAINTIFF**

**LILA CHIMANLAL MEGHJI SHAH (SUING AS THE LEGAL  
REPRESENTATIVE AND EXECUTRIX OF THE ESTATE OF CHIMANLAL  
MEGHJI NAYA SHAH) ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**ERICK MUTUMA MURITHI T/A SQUAD THREE SERVICES 1<sup>ST</sup> DEFENDANT**

**AMBROSE GATHINGI MACHARIA T/A SQUAD THREE  
SERVICES ..... 2<sup>ND</sup> DEFENDANT**

**JOHN MWOHA KINUTHIA T/A SQUAD THREE SERVICES 3<sup>RD</sup> DEFENDANT**

**AND**

**ESTATE OF SIMON NJENGA NDABA ..... INTERESTED PARTY**

**CHIEF LAND REGISTRAR ..... INTERESTED PARTY**

**RULING**

1. What is before Court for determination is the Plaintiffs' Notice of Motion dated the 18<sup>th</sup> June 2025, where they seek the following orders:
  - a. Spent.
  - b. Spent.



- c. This Hon. Court issues an order for the Officer Commanding Station (OCS) Parklands Police Station to oversee the enforcement of court orders issued on 29<sup>th</sup> May 2025 and 12<sup>th</sup> June 2025.
2. The application is premised on ground that initially, individuals acting on behalf of the Defendants' entered the suit land dressed in "Squad Three Security" Uniforms. However, following the issuance of court orders on 29<sup>th</sup> May 2025, they deliberately took off their uniforms in an apparent attempt to conceal their identities, demonstrating a calculated effort to mislead the court and obstruct enforcement measures.
3. The 1<sup>st</sup> Plaintiff annexed photographs taken on the suit land on 15<sup>th</sup> June 2025. He avers that despite the Plaintiffs' lodging complaints with law enforcement officers at Parklands Police Station, the police have indicated that they are unable to take any enforcement action unless a specific court order is issued directing them to assist with the said enforcement.
4. The application is opposed by the Defendants vide the 1<sup>st</sup> Defendant's replying affidavit. He avers that the individuals pictured in the annexed photographs are strangers whom the Defendants believe are hired goons, wearing a replica of the Defendants' uniform and are acting with ulterior motives to tarnish the Defendants' reputation. He claims that in his experience in security matters, there exists no risk at the suit land requiring the intervention by this Court and the police. He reiterated that the Defendants have no interest in the suit land.
5. Parties did not file written submissions.

### **Analysis and Determination**

6. I have considered the instant Notice of Motion application including the respective affidavits and the only issue for determination is whether the (OCS) Parklands Police Station should oversee the enforcement of court orders issued on 29<sup>th</sup> May 2025 and 12<sup>th</sup> June 2025 respectively.
7. The Plaintiffs have sought for enforcement of orders issued on 29<sup>th</sup> May, 2025 and 12<sup>th</sup> June, 2025 respectively, which application is opposed by the Defendants.
8. For the avoidance of doubt I wish to highlight the orders issued on 29<sup>th</sup> May, 2025 which were extended on 12<sup>th</sup> June, 2025.

“That in the first instance, ex parte, this honourable court issues an Order for temporary injunction restraining the Defendants, its directors, agents, employees, servants, clients or whomsoever from trespassing, interfering, dealing, developing, wasting and or, damaging or dealing in any manner whatsoever with Land Reference Number 209/178/20 pending the hearing and determination of this Application.”
9. The said orders were issued as a result of the Plaintiff's application dated the 26<sup>th</sup> May, 2025 seeking temporary injunctive orders to restrain the Defendants or their agents from the suit land, pending the outcome of the suit. Further, it emerged that the Defendants were guarding the said suit land, which is owned by the Plaintiffs and Interested Party. I note the Defendants have declined to divulge the name of their client.
10. From a reading of the aforementioned prayers, it is evident that the Court granted them to preserve the suit land. The Defendants contend that they have no interest in the suit land. Since they have no interest in the suit land, in my view they have not demonstrated what prejudice they stand to suffer if the Police enforced the aforementioned Court orders. Further, from the photographs annexed to the instant



application, it seems the unknown intruders are still on the suit land. Since these aforementioned orders were issued pending outcome of the Application dated the 26<sup>th</sup> May, 2025, which is yet to be determined, I find that it would be pertinent if the substratum of the suit was indeed preserved.

11. In the foregoing, I find the instant Notice of Motion application merited and will allow it by making for the following Orders:
  - i. The Officer Commanding Station (OCS) Parklands Police Station be and is hereby directed to oversee the enforcement of court orders issued on 29<sup>th</sup> May 2025 and 12<sup>th</sup> June 2025 respectively.

**DATED SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 10<sup>TH</sup> DAY OF JULY 2025**

**CHRISTINE OCHIENG**

**JUDGE**

In the presence of:

Chemoiywa for Plaintiff

Court Assistant: Joan

