



**Black Trap Products Limited v Mavoko Land Development Company
Limited & 3 others (Environment & Land Case E087 of 2021)
[2024] KEELC 7414 (KLR) (6 November 2024) (Judgment)**

Neutral citation: [2024] KEELC 7414 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT & LAND CASE E087 OF 2021
A NYUKURI, J
NOVEMBER 6, 2024**

BETWEEN

BLACK TRAP PRODUCTS LIMITED PLAINTIFF

AND

MAVOKO LAND DEVELOPMENT COMPANY LIMITED 1ST DEFENDANT

LAND REGISTRAR MACHAKOS 2ND DEFENDANT

CHIEF LAND REGISTRAR NAIROBI 3RD DEFENDANT

THE ATTORNEY GENERAL 4TH DEFENDANT

JUDGMENT

Introduction

1. By a plaintiff dated 22nd September 2021 the plaintiff sought against the defendants the following orders;
 - a. A declaration that the plaintiff is the bonafide, registered and legal owner of the suit property known as LR. No. 11895/12 (Grant Number I.R. 55345) situated in Mlolongo in Machakos District.
 - b. A declaration that the plaintiff Grant Number I.R. 55345 in respect of the L.R. No. 11895/12 is the legitimate title and confers upon it a true and better title as against any other title issued if any and entitles the plaintiff ‘the quiet ownership and possession of the suit property.
 - c. A permanent injunction do issue restraining the defendants by themselves, servants, employees, agents, purchasers, lessees and lessors from trespassing upon, entering, or remaining upon and/or interfering in any manner whatsoever with the plaintiff’s occupation



and quiet possession and enjoyment of the land parcel number L.R. No. 11895/12 (Grant Number I.R. 55345).

- d. An eviction order.
 - e. An order for demolition of a structures, buildings, houses and perimeter wall fence unlawful erected by the defendants upon the plaintiff's land L.R. No. 11895/12 (Grant Number I.R. 55345) situated in Mlolongo in Machakos District.
 - f. General damages for fraud, mistake and/or illegality.
 - g. Interest on (f) and (h) above of court rate.
 - h. Costs and incidentals to this suit.
 - i. Any other relief that the Honourable Court may deem fit and expedient to grant.
2. The plaintiff averred that it was the registered lessee of the premises known as L.R. No. 11895/12 under Grant Number I.R 55345 (suit property) having been allocated the same by the Government vide letter of allotment dated 12th March 1991 and grant dated 13th April 1992. The plaintiff further stated that the 1st defendant had without its consent and authority trespassed on the suit property and divided it into several plots and allowed third parties to be on the suit property, and also put up structures thereon. Further that the 1st and 3rd defendants colluded and on 4th December 2007, the 3rd defendant lodged a caveat on the suit property and upon the plaintiff seeking the reasons thereof, it was informed that the deed file of the suit property could not be found.
 3. The plaintiff averred that the 3rd defendant deliberately delayed in gazetting and reconstructing the deed file until the plaintiff filed judicial review suit against him being ELC JR. No. 20 Of 2017 Black Trap Products Limited v. The Chief Land Registrar & Another, upon which the court ordered the 3rd defendant to reconstruct a deed file in relation to the suit property which was done.
 4. The 1st defendant filed statement of defence dated 12th October 2021. It denied the plaintiff's claim and stated that title LR No. 11895/12 was revoked and withdrawn by the government upon expiry of the period of relocation and change of user which the plaintiff failed to apply, and that since 1996, the suit property reverted to the Government and remains Government land. It further stated that the suit property was a subdivision of LR. No. 11895 previously issued to Kenya Meat Commission in 1969 and that when the latter collapsed in 1980s, the Government revoked and withdrew the said leasehold. That the Government subdivided the parcel of land known as 11895 into several parcels and issued it to the public for excavation and quarry. That land owners used explosives in the quarry exercise creating health hazards, which led the Government to revoke all the titles including the one for the suit property, but offered alternative land at Katani quarry site and granted change of user for the owners who chose to remain on the land. That those like the plaintiff herein who failed to apply for relocation or change of user, their titles were revoked and land reverted to Government.
 5. The 1st defendant maintained that as the plaintiff failed to apply for relocation or change of user, the suit property is now Government land and has been given to squatters who now hold titles. Further that the Government had resurveyed the land and issued new numbers being 11895/R, 11895/36, 11895/37, 11895/38, 11895/39 and 11895/40. It accused the plaintiff of negligence in its failure to apply for relocation and surrender its title, and or seek change of user. It stated that since 1991, the plaintiff had not had possession of the suit property and averred that the 1st defendant's squatters had acquired the land by adverse possession as they had been on the suit property for over 30 years. It sought for dismissal of the plaintiff's suit.



6. The 2nd, 3rd and 4th defendants filed their statement of defence dated 22nd January 2022. They denied the plaintiff's claim and denied allegations of colluding with the 1st defendant to defraud the plaintiff of its property and averred that the caveat lodged on the suit property was within the 3rd defendant's duties and mandate provided in law. They averred that the reconstruction of the deed file for the title of the suit property was done in accordance with the law.
7. The suit proceeded to hearing by way of viva voce evidence. The plaintiff presented one witness while the 1st defendant on one hand and the 2nd to 4th defendants on the other hand, presented 2 witnesses each.

Plaintiff's evidence

8. PW1 was Ramji Shamji Patel, a director of the plaintiff company. He adopted his witness statement dated 22nd September 2021 and supplementary witness statement dated 19th May 2022 as his evidence in chief. He produced documents attached to the plaintiff's list of documents dated 22nd September 2021 and supplementary list of documents dated 19th May 2022 as the plaintiff's exhibits. His testimony was that the plaintiff was the registered proprietor of the suit property but that the 1st defendant had trespassed thereon with intention to dispossess the plaintiff of the same and was also illegally selling the suit property to third parties. Further that in collusion with the 1st defendant, the 3rd defendant placed a caveat on the title of the suit property on 4th December 2007 for reasons that the deed file for the suit property could not be found.
9. It was Pw1's evidence that the 3rd defendant delayed in gazetting and reconstructing the deed file, which constrained the plaintiff to file ELC JR No 20 of 2017 where the court granted orders in the plaintiff's favour compelling the 3rd defendant to reconstruct the deed file for the suit property. That the plaintiff was allocated the suit property vide a letter of allotment dated 12th March 1991 for a term of 45 years from 1st March 1991, whereof it complied with terms of allotment and also paid a sum of Kshs. 23,467/-, leading to the registration of the suit property in the plaintiff's name.
10. He produced a letter of authority to act; letter of allotment; grant; caveat; letters dated 4th November 2010, 19th May 2011, 1st August 2011 and 16th January 2012; deed of indemnity; KRA payment slip; letters dated 19th November 2013, 28th November 2013, 29th November 2013, 9th December 2013, 12th February 2014, 11th November 2014, 19th January 2015, 13th November 2015 and 9th January 2019; Gazette Notice No. 4164 of 20th June 2014; notice to institute legal proceedings against the Chief Land Registrar; pleadings and court order in ELC JR No. 20 of 2017; application form and receipts from the 1st defendant; CR 12 of the 1st defendant and copies of receipts and certificates for land rates and rent payment for the suit property.
11. On cross examination, he stated that he was not undertaking quarry activities. Further that the plaintiff's title has never been recalled by the Government and the Government's records show that the plaintiff was the owner of the suit property. He stated that in 2020, he found people living on the suit property where both permanent and semi-permanent structures were on the land. He denied allegations that the suit property belonged to Kenya Meat Commission and stated that the purpose of the lease was for quarry activities but that although they had started quarry business, they were stopped by Government officials. In re-examination, he denied selling the suit property to anyone or subdividing it. That marked the close of the plaintiff's case.



1st defendant's case

12. Dw1 was Jackson Makali Kalolwe, a director and Secretary General of the 1st defendant. He adopted his witness statement dated 12th October 2021 as his evidence in chief and produced documents attached to the 1st defendant's list of documents dated 12th October 2021. His evidence was that in 1969, the Government issued title for LR. No. 11895 to Kenya Meat Commission for 961 years and in 1980s, the latter collapsed resulting in the Government revoking their lease. That the plaintiff was leased LR. No. 11895/12, a subdivision of LR. No. 11895; for purposes of quarrying but in 1995 when the Government installed aviation and radar equipment at the Jomo Kenyatta International Airport, the blasts and explosions from the quarry interfered with those equipment which led the Government to revoke the said titles. That the Government gave land owners options to either relocate or change use from quarry activities; options which the plaintiff failed to take resulting in revocation of his title, reverting the land to Government.
13. He further stated that the Municipal Council of Mavoko applied for Government land to settle squatters there, which application was accepted by Government and the land resurveyed leading to creation of LR. Nos. 11895/R, 11895/36, 11895/37, 11895/38, 11895/39 and 11895/40 which plots were allocated to squatters. He maintained that LR. No. 11895/12 does not exist. He stated that he does not know the owner of the suit property and that the plaintiff has never asked the 1st defendant to vacate the suit property. He insisted that the Government gave them the land although they were not given title thereto. He produced copy of title in the name of Kenya Meat Commission; survey maps; letter dated 27th March 2014 from the Commissioner of Lands; and letter dated 15th March 2017 to the Land Registrar.
14. In cross examination, he stated that they were given the land by the Government and by the Municipal Council as squatters. Further that it is the Municipal Council that applied to the National Government to give the 1st defendant the land. He stated that the 1st defendant was given the land as squatters and entered the land in year 2000 and that it was registered in 2006. He confirmed that he had no evidence to support allegations that the Government revoked the plaintiff's title. He further confirmed that he had no evidence to show that the Government or the Municipal Council gave land to the 1st defendant and or their squatters and confirmed that he had no evidence to support all of his allegations in his witness statement. He further stated that he did not know where the suit property was.
15. DW2 was Amos Mutinda Kilonzi, who stated that he used to be the area chief at Mlolongo, and one of the directors of the 1st defendant. He stated that he did not know where the suit property was and did not know the plaintiff. He adopted his witness statement as his evidence in chief and produced documents produced by DW1. He rehashed PW1's evidence and stated that the suit property is Government land, the title thereof having been revoked for reasons that the plaintiff failed to apply for relocation and/or change of user. He further stated that the title in dispute does not exist.
16. In cross examination, he stated that he had no evidence of the Government's revocation of the plaintiff's title and that he had no Gazette Notice to demonstrate revocation. He maintained that he was the area chief between 1995 to 2014 and was aware the Government gave the suit property to squatters. That the land belonged to Kenya Meat Commission and the Government revoked the title of Kenya Meat Commission and gave it to squatters. He stated that the 1st defendant company was registered in 2018. He stated that he had no evidence to prove his allegations in the witness statement and that he had no evidence to show the alleged Government's revocation and or its actions in regard to the suit property. He confirmed that he had no evidence of Gazette Notice demonstrating revocation of title and had no evidence showing that the Municipal Council gave the land to squatters. He also



stated that he had no evidence to show that the Government resurveyed the suit property and or gave it to squatters. That marked the close of the 1st defendant's case.

The 2nd, 3rd and 4th defendants' case

17. DW3 was Omolo Patroba, the Assistant Director Land Administration in the State Department for Lands and Physical Planning in the Ministry of Lands, Public Works, Housing and Urban Development. He adopted his witness statement dated 5th April 2024 as his evidence in chief and produced documents dated 8th March 2023. He narrated the process of registration of new grants and stated that the process includes making application for allocation; confirming availability of the plot; issuance of letters of allotment to the applicant; payment of requisite fees; survey of the plot; issuance of deed plan by Director of Surveys; processing and execution of new grant by Commissioner of Lands and registration by the Registrar of Titles.
18. The witness stated that their records show that correspondence file No. 130272 was opened on 13th April 1992 in respect of Black Trap Products Limited LR. No. 11895/12 measuring 12.45 Ha and allotment letter Ref. No. 23084/V/84 dated 12th March 1991 was issued in respect of unsurveyed Quarry Site 1–Athi River to M/S Black Trap Products Limited for land measuring 12.42 Ha for a term of 45 years from 1st March 1991. That the allottee accepted and made payment vide official receipt No. C015134 dated 21st May 1991 for the sum Kshs. 23,467/-. That the Commissioner of Lands wrote a letter Ref No. 130272 dated 22nd May 1991 to the Director of Surveys communicating the plaintiff's acceptance of the offer and calling for survey of the plot. That the Commissioner of Lands vide letter Ref. No. 130272/6 dated 13th February 1992 called for supply of New Grant and deed plan for L.R. No. 11895/12.
19. He further stated that the President of the Republic of Kenya transferred the suit property for a term of 45 years from 1st March 1991 vide a Memorandum of Registration of Transfer dated 13th April 1992. That the grant in favour of the plaintiff was duly executed on 13th April 1992 by the Commissioner of Lands and duly registered as IR. 55345/1 on 15th April 1992 and stamp duty certificate No. 10181 dated 14th April 1992 was issued to the plaintiff regarding payment of stamp duty.
20. He maintained that from their records, there was no evidence that Grant IR. 55345/1 in favour of the plaintiff was ever recalled, surrendered or cancelled. He confirmed that Grant IR. 55345/1 for LR. No. 11895/12 is registered in favour of the allottee Black Trap Products Limited and that they did not have any records in regard to documents of ownership exhibited by the 1st defendant. That the letters purported to be issued by the Director Land Administration in favour of the 1st defendant are forgeries.
21. He produced a file copy of correspondence file CF 130272; allotment letter; official receipt No. C015134; letter Ref. 130272; letter Ref. 130272/6; official receipt No. C272454; letter from Director of Surveys to Commissioner of Lands dated 18th February 1992; plaintiff's certificate of incorporation No. C45253 dated 14th February 1992; instructions to prepare New Grant for LR. No. 11895/12; certificate of stamp duty; Memorandum of Registration of Transfer of New Grant IR. 55345/1; and Part Development Plan Ref. No. NRB/8/91/18.
22. On cross examination, he confirmed that the Government allocated the suit property to the plaintiff who was the first allottee. That their records show that the plaintiff was the owner of the suit property and there was no caveat or encumbrance on the property. He further stated that the Government has never revoked or resurveyed the suit property. He stated that a memorandum of transfer is evidence of registration of grant and it has an IR. Number. He stated that the suit property had never been allocation to the 1st defendant.



23. DW4 was Charles Kipkurui Ngetich, a Deputy Chief Land Registrar who adopted his witness statement dated 8th March 2023 as his evidence in chief. In his testimony, he narrated the process of transfer of private land and stated that it involves the following steps; submission of transfer documents by the parties; parties attach valuation report by the Chief Valuer; duty payable is assessed by the collector of stamp duty; assessed duty is paid; parties submit receipt of duty; duty paid is endorsed on the transfer document by collector of stamp duty; transfer document is submitted together with original title to the Registrar for Registration of the Transfer; transfer document and original title is dispatched to the owner; and a copy of the transfer document and original title is returned by the Land Registrar and kept in the deed file.
24. The witness stated that the deed file is maintained by the Chief Land Registrar and it contains copies of documents relating to any transaction on the land registered under the *Registration of Titles Act* Cap 281 (repealed). He stated that their records showed that Grant IR. 55345 for LR. No. 11895/12 measuring 12.45 Ha. was issued to Black Trap Products Limited for a term of 45 years from 1st March 1991 and duly registered on 15th April 1992 as IR. 55345/1. He further stated that their records showed letter Ref. CLR/5/Room/VI dated 1st August 2011 from Assistant Commissioner of Lands (R) to the firm of P. J. Kakad & Company advocates indicating that deed file IR. 55345 for LR. 11895/12 was still unavailable and a letter Ref. GEN/CR dated 28th November 2013 W. M. Muigai for Chief Land Registrar wrote to the firm of J. J. Kakad & Company Advocates indicating the procedure for reconstruction of the deed file for Grant IR. 55345.
25. He further stated that their records showed Gazette Notice No. 4164 of 20th June 2014 by the Land Registrar Nairobi for reconstruction of lost or destroyed file in regard to Grant IR. 55345/1. That their records show deed of indemnity registered in Vol. D1 Folio 136/2251 file MMXII and Gazetted vide Notice No. 2007 of 28th March 2014 and approved by Registrar on 20th January 2020. He maintained that from their records, there were no title documents in respect to the 1st defendant to show ownership of the suit property. He insisted that the suit property is owned by the plaintiff and the same has never been surrendered or cancelled by the Government.
26. On cross examination, he stated that the Grant No. IR. 55345 is the same as that in the Memorandum of Transfer. Further that the plaintiff's title still stands and has never been revoked and that the deed plan produced by the witness has never been resurveyed, as there is no resurvey for fixed boundaries. He stated that at the time he received correspondence from the plaintiff's counsel for reconstruction of the deed file, the suit property was still owned by the plaintiff and had not been allocated to any other person. He stated further that he did not have record of the 1st defendant's documents or records of the land to Kenya Meat Commission. He also stated that they did not have in their records, the survey maps produced by the 1st defendant and that his office has no titles mentioned by the 1st defendant.
27. He further averred that his office has never received application for subdivision of the suit property and that they reconstructed the file because someone stole the file. He also stated that the Government has no power to revoke any one's title as it is only the court that would revoke title. That marked the close of the 2nd to 4th defendants' case.
28. The parties herein filed written submissions in support of their respective cases. On record are the plaintiff's submissions dated 9th May 2024 and the 1st defendant's submissions dated 12th June 2024 all of which this court has duly considered.



Analysis and determination

29. The court has carefully considered the pleadings, evidence and parties' rival submissions. The issues that arise for this court's determination are;
- a. Whether the plaintiff is the lawful owner of the suit property.
 - b. Whether the 1st defendant trespassed on the suit property.
 - c. Whether the plaintiff is entitled to the orders sought in the plaint.
30. Section 26 of the Land Registration Act provides for conclusiveness of the proprietorship on registration of title as follows;
1. The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except—
 - a. on the ground of fraud or misrepresentation to which the person is proved to be a party; or
 - b. where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme.
 - (2) A certified copy of any registered instrument, signed by the Registrar and sealed with the Seal of the Registrar, shall be received in evidence in the same manner as the original.
31. Therefore, a registered proprietor of land is deemed to be the absolute and indefeasible owner thereof unless it is proved that the title was obtained through fraud, misrepresentation, illegality, want of procedure or through corruption.
32. The fact that the plaintiff has a certificate of title in respect of the suit property is not in dispute as that is the position obtaining in the Government records at the Ministry of Lands as confirmed in evidence by the Assistant Director Land Administration and the Deputy Chief Land Registrar. The defendants did not plead fraud, illegality, misrepresentation, want of procedure or corruption in the acquisition of title by the plaintiff. The 2nd to 4th defendants corroborate the plaintiff's testimony that he is the lawful owner of the suit property having been lawfully allocated the same in 1991, and duly accepted the offer. On the other hand, the 1st defendant's only defence is that although the suit property was initially lawfully registered in the plaintiff's name having been allocated for quarry purposes which purpose became untenable, and the Government gave the plaintiff two options; to apply for relocation or for change of user, the plaintiff failed to take any of the provided options resulting in the Government recalling and revoking his title and that the plaintiff's land became Government land. However, for the entire narration in the 1st defendant's witness statements and in its defence, no evidence was presented to demonstrate the allegations made of the Government giving the plaintiff the above two options and of the Government revoking the plaintiff's title. In any event, there is no provision in law that allows Government to unilaterally revoke a title for privately owned land. I therefore find and hold that the 1st defendant's allegations against the plaintiff's title have no basis, justification and proof and therefore, this court rejects the same as not having been proved.
33. The evidence of the plaintiff and the 2nd to 4th defendants demonstrated that the plaintiff was lawfully allocated the suit property in 1991, paid the requisite money in accepting the offer and that all the



relevant procedures were followed in the registration of the suit property in the plaintiff's name. Even when the deed file got lost, a new file was reconstructed without objections from anyone including the 1st defendant. The plaintiff has presented evidence of ownership of the suit property and produced title to show its lawful ownership of the suit property. There is no pleading or evidence impeaching the plaintiff's title. In the premises, I find and hold that the plaintiff is the lawful owner of the suit property.

34. The *Black's Law Dictionary* 11th Edition defines "trespass" as unlawful entry on another's land. Section 3 of the *Trespass Act* define "Trespass" as follows;

1. Any person who without reasonable excuse enters, is or remains upon, or erects any structure on, or cultivates or tills, or grazes stock or permits stock to be on, private land without the consent of the occupier thereof shall be guilty of an offence.
2. Where any person is charged with an offence under subsection (1) of this section the burden of proving that he had reasonable excuse or the consent of the occupier shall lie upon him.

35. Therefore, any entry or encroachment on another person's land without their consent or authority amounts to trespass. In this case, the 1st defendant alleged that the suit property was given to them and their squatters by the Government and the Municipal Council. While no evidence for this allegation was presented by the 1st defendant, the suit property could not be given to the 1st defendant or their alleged squatters by the Government or the Municipal Council as the same is private property and the Government and Municipal Council had no capacity or authority to give it to the 1st defendant and or its squatters. It is clear therefore that the 1st defendant did not deny having trespassed on the suit property but alleged to have been allowed thereon by the Government and the Municipal Council. In the premises, I find and hold that the 1st defendant's presence on the suit property is unlawful and amounts to trespass, as the same was not sanctioned by the plaintiff who is the lawful owner of the suit property.

36. Sections 24 and 25 of the *Land Registration Act* provides for interest conferred by registration and the rights of a registered proprietor as follows;

Section 24 provides as follows;

Subject to this *Act*—

- a. the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto; and
- b. the registration of a person as the proprietor of a lease shall vest in that person the leasehold interest described in the lease, together with all implied and expressed rights and privileges belonging or appurtenant thereto and subject to all implied or expressed agreements, liabilities or incidents of the lease

Section 25 provides as follows;

1. The rights of a proprietor, whether acquired on first registration or subsequently for valuable consideration or by an order of court, shall not be liable to be defeated except as provided in this Act, and shall be held by the proprietor, together with all privileges and appurtenances belonging thereto, free from all other interests and claims whatsoever, but subject—
 - a. to the leases, charges and other encumbrances and to the conditions and restrictions, if any, shown in the register; and



- b. to such liabilities, rights and interests as affect the same and are declared by section 28 not to require noting on the register, unless the contrary is expressed in the register.
 2. Nothing in this section shall be taken to relieve a proprietor from any duty or obligation to which the person is subject to as a trustee.
37. Therefore, a registered proprietor has a protected right to quiet possession and enjoyment of their property to the exclusion of everyone else unless there are interests limiting such enjoyment noted in the register or if not registered, is an overriding interest as provided for in Section 28 of the Land Registration Act. As the 1st defendant is a trespasser on the suit property, the trespass must be stopped for the plaintiff be allowed to enjoy its rights prescribed in Sections 24 and 25 of the Land Registration Act, and therefore the plaintiff is entitled to orders sought of injunction, eviction and demolition of structures on the plaintiff's property. Although the plaintiff sought what it termed as damages for fraud, mistake and illegality, the plaintiff did not present any legal basis for such claim, which I find to be unknown in law, hence that claim is rejected.
38. In this suit, the evidence presented demonstrate that the plaintiff is the lawful owner of the suit property and the 1st defendant is a trespasser thereon. Allegations by the plaintiff of collusion between the 1st defendant and the 3rd defendant in the latter's registration of a caveat on the title of the suit property for reasons that the deed file was missing, have not been proved. I therefore find and hold that the plaintiff failed to prove their claim against the 2nd, 3rd and 4th defendants and hence its suit against the said defendants is dismissed with no order as to costs.
39. Ultimately, this court finds and holds that the plaintiff has proved its case against the 1st defendant on the required standard and the same is hereby allowed as follows;
 - a. A declaration be and is hereby made that the plaintiff is the bonafide, registered and the legal owner of the suit property known as LR. No. 11895/12 (Grant Number I.R. 55345) situated in Mlolongo in Machakos District.
 - b. A declaration be and is hereby made that the plaintiff's Grant Number I.R. 55345 in respect of L.R. No. 11895/12 is the legitimate title and confers upon it a true and better title as against any other title issued if any and entitles the plaintiff the quiet ownership and possession of the suit property.
 - c. A permanent injunction is hereby issued restraining the 1st defendant by itself, servants, employees, agents, purchasers, lessees and lessors from trespassing upon, entering, or remaining upon and/or interfering in any manner whatsoever with the plaintiff's occupation and quiet possession and enjoyment of the land parcel Number L.R. No. 11895/12 (Grant Number I.R. 55345).
 - d. The 1st defendant is ordered to vacate the suit property and demolish structures, buildings, houses and perimeter walls unlawfully erected on the plaintiff's land LR. No. 11895/12 (Grant Number I.R. 55345) situated in Mlolongo in Machakos District within 90 days of this judgment and in default, an eviction order to issue and the costs of the eviction and demolition to be borne by the 1st defendant.
 - e. The costs of this suit shall be borne by the 1st defendant.

DATED, SIGNED AND DELIVERED AT MACHAKOS VIRTUALLY THIS 6TH DAY OF NOVEMBER 2024 THROUGH MICROSOFT TEAMS VIDEO CONFERENCING PLATFORM

A. NYUKURI



JUDGE

In the presence of;

Ms. Anyango holding brief for Mr. Kakad for plaintiff

Mr. Babu for 1st defendant

No appearance for Attorney General

Court assistant – Abdisalam

