



Asaa & 113 others v Rajab & 11 others (Environment & Land Case 54 of 2020) [2022] KEELC 3134 (KLR) (7 June 2022) (Ruling)

Neutral citation: [2022] KEELC 3134 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT & LAND CASE 54 OF 2020**

MAO ODENY, J

JUNE 7, 2022

**IN THE MATTER OF: PLOT NO. 102 MALINDI, LT 37, FOLIO 501, FILE 3420 INCLUDING:
SUBDIVISION NO 11020-MALINDI, LT 41, FOLIO 253, FILE 11407, SUBDIVISION
NO 102/1- MALINDI, LT 45, FOLIO 57, FILE 1308 & SUBDIVISION NO. 11021-
MALINDI, LT 45, FOLIO 58, FILE 13088 AND ANY OTHER SUBDIVISION THEREFROM)**

AND

**IN THE MATTER OF: AN APPLICATION FOR DECLARATION THAT THE
PLAINTIFFS/APPLICANTS HAVE OBTAINED OWNERSHIP OF TWO
THIRTY-FOUR DECIMAL FIVE (234.5) ACRES OR NINE FOUR DECIMAL
NINE FOUR ONE EIGHT (94.9418) HACTARES OR THEREABOUTS OF
THE ABOVE SAID PARCELS OF LAND BY WAY OF ADVERSE POSSESSION**

BETWEEN

ASAA TABU ASAA & 113 OTHERS PLAINTIFF

AND

MOHAMED SAID RAJAB 1ST DEFENDANT

NAIMA ABDALLA ISSA 2ND DEFENDANT

SAID SULEIMAN SAID 3RD DEFENDANT

JAMAL H. MOHAMED 4TH DEFENDANT

KULTHUM BINTI ABDALLA & 7 OTHERS 5TH DEFENDANT

RULING

1. This Court had delivered a ruling dated 16/7/2021 whereby the court granted a temporary injunction restraining the Defendants from evicting, developing, selling, subdividing the suit land pending the hearing and determination of this suit.



2. The Defendants filed a similar application for injunction restraining the Plaintiffs from selling, subdividing or alienating, constructing on the suit land pending the hearing and determination of this suit.
3. The Court had ordered that status quo should be maintained pending the hearing and determination of this application inter partes. These orders are still in place.
4. The Plaintiffs are under a duty to maintain the status quo as at the time the order was issued on 29/9/2021. Any disobedience of the status quo is punishable by law.
5. I order that the status quo obtaining as at 29/9/2021 be maintained and this matter be mentioned on 13/7/2022 for further orders.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 7TH DAY OF JUNE, 2022.

M.A. ODENY

JUDGE

NB: In view of the Public Order No. 2 of 2021 and subsequent circular dated 28th March, 2021 from the Office of the Chief Justice on the declarations of measures restricting court operations due to the third wave of Covid-19 pandemic this Ruling has been delivered online to the last known email address thereby waiving Order 21 [1] of the [Civil Procedure Rules](#).

