



**Wanderi v M’Twamwari & another (Environment & Land Case
235 of 2016) [2022] KEELC 2638 (KLR) (13 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 2638 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT & LAND CASE 235 OF 2016**

**CK NZILI, J
JULY 13, 2022**

BETWEEN

FRANCIS MWITI WANDERI PLAINTIFF

AND

M’MBIJIWE M’TWAMWARI 1ST DEFENDANT

DAVID MUTUMA MUGAMBI 2ND DEFENDANT

RULING

1. On 4.11.2021 the plaintiff sought for a notice to show cause against the Meru Central District Surveyor and the Land Adjudication and Settlement Officer to attend court and explain non-compliance with court orders issued on 13.5.2021 after failing to file a report on a scene visit made on 14.11.2019. The said notice to show cause was also renewed on 15.12.2021 after the two officers failed to file the report by 23.11.2021.
2. On 8.2.2022 the two officers attended court and explained they filed the report on 4.2.2022. On 10.3.2022, counsel for the defendant Miss Nelima submitted that the report filed was unsatisfactory.
3. Mr. Ndubi advocate for the plaintiff submitted his client had no problem with the report despite the unfortunate letter by the defendant threatening the officers.
4. Miss Nelima took the view that what was before the court was a letter and not a report.
5. The two officers in sworn evidence stated they had prepared an inconclusive report and needed to narrow down the particular parcels of land in dispute if at all they were offered security to revisit the scene.
6. This court on 7.12.2016 granted the plaintiff temporary orders of injunction. Thereafter an application dated 13.1.2017 was filed but withdrawn on 10.7.2017 and parties ordered to comply with



Order 11 Civil Procedure Rules. On 26.7.2017 by consent of parties an order was made to visit the scene and prepare a report.

7. The interim orders were also extended. Once more the court made an order for a scene revisit on 17.1.2018.
8. For one reason or the other, parties in this matter have not expediated the hearing of this old matter.
9. It is not the business of this court to help parties gather evidence for and against their respective claims.
10. The parties have to come to court fully armed with their documents in support of their respective pleadings.
11. Therefore, I see no reason why the court should endlessly await a scene visit report for over five years and when it is brought the officers to request for more time to revisit the scene.
12. Consequently, I order the matter to proceed as scheduled. The interim orders of injunction shall subsist for only 6 months.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT THIS 13TH DAY OF JULY, 2022

In presence of:

Ndubi for plaintiff

Nelima for defendant

HON. C.K. NZILI

ELC JUDGE

