



**Kisangi v Member of County Assembly Mlolongo Syokimau Ward & another;
National Land Commission (Interested Party) (Environment & Land
Petition 11 of 2020) [2025] KEELC 3957 (KLR) (20 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3957 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT & LAND PETITION 11 OF 2020**

AY KOROSS, J

MAY 20, 2025

**IN THE MATTER OF ARTICLES: 10,40,43,47,60
AND 67 OF THE CONSTITUTION OF KENYA 2010**

AND

**IN THE MATTER OF: OF THE CONSTITUTION OF KENYA (PROTECTION OF RIGHTS
AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES, 2013 AND**

**IN THE MATTER OF: COMPULSORY ACQUISITION
OF PRIVATE LAND BY A PUBLIC ENTITY**

AND

IN THE MATTER OF: IN THE MATTER OF PART VIII OF THE LAND ACT

BETWEEN

MARY NDUKU KISANGI PETITIONER

AND

**MEMBER OF COUNTY ASSEMBLY MLOLONGO SYOKIMAU
WARD 1ST RESPONDENT**

THE COUNTY GOVERNMENT OF MACHAKOS 2ND RESPONDENT

AND

THE NATIONAL LAND COMMISSION INTERESTED PARTY

RULING

1. This case had been reserved for judgment today, but unfortunately, this court is constrained to deliver a ruling instead of a judgment.



2. Within the provisions of Section 3A of the *Civil Procedure Act*, this court has inherent power to make such orders as may be necessary for the ends of justice to be met.
3. In addition, Section 173 (1) of the *Evidence Act* gives this court wide latitude in obtaining proper evidence before it renders its final determination. It can exercise such powers suo moto and may order the production of any document. This provision of law states as follows: -

“A judge or magistrate may, in order to discover or to obtain proper evidence, ask any question he pleases, in any form, at any time, of any witness, or of the parties about any fact whether or not it is otherwise admissible; and may order the production of any document or thing; and neither the parties nor their agents shall be entitled to object to any such question or order, nor, without leave of the court, to cross-examine the witness upon any answer given in reply to any such question:

Provided that judgment shall be based only upon facts which are otherwise admissible and which have been duly proved. Emphasis added.

4. Having considered the nature of the petition that is before this court, it is the considered view of this court that it is necessary for the parties to tender a valuation report of land parcel no. Title no. Athi River/Athi River Block 18/101 (“suit property”). For this reason, this court hereby makes the following orders: -
 - a. Parties are hereby directed that within 60 days hereof, they do file before this court a valuation report on land parcel title no. Athi River/Athi River Block 18/101.
 - b. That at their respective costs, the valuation exercise and report shall be undertaken by a government surveyor and/or valuer.
 - c. That once the report has been filed, the matter shall be mentioned to confirm compliance and further directions.

It is so ordered.

DELIVERED AND DATED AT MACHAKOS THIS 20TH DAY OF MAY, 2025.

HON. A. Y. KOROSS

JUDGE

20.05.2025

Ruling delivered virtually through Microsoft Teams Video Conferencing Platform

In the presence of;

Mr Chege Kamau for petitioner

N/A for defendant

Ms Kanja- Court Assistant

