



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

ELC CASE NO. E002 OF 2021

PHINEAS NGAKU MURUNGI.....1ST PLAINTIFF
EDWIN KABURU THUURA.....2ND PLAINTIFF
KAMUNID THUURA.....3RD PLAINTIFF
KITHINJI BARINE.....4TH PLAINTIFF
ASHFORD MUTEKI MURUNGI.....5TH PLAINTIFF
JASPER KIRIA.....6TH PLAINTIFF
EPHANTUS KINYUA KIRIA.....7TH PLAINTIFF

VERSUS

RIUNGU KAMINCHI.....1ST DEFENDANT
M'MURUNGI KUNGANIA.....2ND DEFENDANT
KINYUA KAGOGL.....3RD DEFENDANT
KAWIRA M'NDAKA.....4TH DEFENDANT
MURITHI BURURIA.....5TH DEFENDANT
KITHINJI BURURIA.....6TH DEFENDANT
KIRAMA CHABARI.....7TH DEFENDANT
VIRGINIA MURITHI.....8TH DEFENDANT
DAMARIS MUKWANDEGI.....9TH DEFENDANT
KARIUKI BURURIA.....10TH DEFENDANT
CATHERINE MUKWAMUGO.....11TH DEFENDANT
MICHAEL NDUBI.....12TH DEFENDANT
THE DISTRICT LANDS ADJUDICATION
OFFICER MAARA SUB COUNTY.....13TH DEFENDANT

DISTRICT SURVEYOR MERU

SOUTH/MAARA SUB COUNTY.....14TH DEFENDANT

LANDS REGISTRAR, MERU SOUTH.....15TH DEFENDANT

RULING

1. On **15th June, 2021**, advocates for the parties in this matter proffered a consent which they asked the court to adopt as its order.

The consent is in the following terms:

CONSENT

By consent the parties herein have agreed on the following:

(1) The County Surveyor, Tharaka Nithi do visit the disputed parcels of land comprising the pre registration land parcels Nos. PLOT No. 1480 and 1977 within the then Lower East Magutuni Adjudication Section currently Mwimbi/Lower East Magutuni Registration area and the current suit parcels of land being L.R. No. Mwimbi/Lower East Magutuni/3712, 3713, 3714, 3715, 3716, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 2381 and 1977.

(2) The surveyor do establish the actual occupation of the said pre-registration parcel numbers 1480 and 1977 with the names of the occupants acreage occupied and the boundaries of each occupant.

(3) The surveyor do identify and sketch the map location of the registered parcels on the ground showing by a sketch map any over – lap of the ground occupation and map position of the registered parcels, if any.

(4) Each party be at liberty to engage a private surveyor during the exercise, if they so wish.

(5) The County Surveyor do file his report within 90 days.

(6) The County Surveyor's cost be borne by parties excluding the 13th, 14th and 15th defendants.

We are most obliged.

Signed: Kirimi Muturi for the Plaintiffs

Signed: Mwenda Mwarania Advocate for the 1st -12th defendants

2. The consent has properly been executed by the advocates who represented the parties.

3. The consent is hereby adopted as an order of this court.

4. By consent, the parties will come to court for directions on **4th October, 2021**.

Delivered in open Court at Chuka the **15th day of June, 2021** in the presence of:

CA; Ndegwa

Kirimi Muturi for the Plaintiff

Mwenda Mwarania for the 1st to 6th Defendants

Kiongo for the 13th, 14th and 15th defendants

P. M. NJORGE,

JUDGE.