



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CONSTITUTION PETITION CASE NO. 01 OF 2019

IN THE MATTER OF ARTICLES 19, 20, 21, 33, 23, 25, 27, 258, 259 AND 260 OF THE CONSTITUTION OF KENYA 2010 AND

IN THE MATTER OF THE ALLEGED VIOLATION OF THE RIGHT UNDER ARTICLES 40, 60 AND 64 OF THE CONSTITUTION OF KENYA 2010 AND

IN THE MATTER OF THE ALLEGED INFRINGEMENT OF THE RIGHT TO FAIR ADMINISTRATION ACTION ENSHRINED IN ARTICLES 10, 25, 47 AND 50 OF THE CONSTITUTION OF KENYA 2010 AND

IN THE MATTER OF THE CONSTITUTION OF KENYA 2010 (PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE FREEDOMS) PRACTICE AND PROCEDURE RULES 13, 19 AND 23 OF 2013 AND

IN THE MATTER OF ARTICLES 23, 159, 162 (B) OF THE CONSTITUTION OF KENYA 2010 AND

IN THE MATTER OF LAND REGISTRATION ACT NO. 3 OF 2012 AND

IN THE MATTER OF PHYSICAL PLANNING ACT NO. 6 OF 1996 AND

IN THE MATTER OF COUNTY GOVERNMENT ACT 2012 AND

IN THE MATTER OF NATIONAL POLICE SERVICE ACT 2011 AND

IN THE MATTER OF TITLE KARINGA/NDAGANI3018, THARAKA NITHI COUNTY

BETWEEN

MUTEGI MUGWETWA.....PETITIONER

VERSUS

CHIEF OFFICER LANDS, PHYSICAL PLANNING,

HOUSING, URBAN DEVELOPMENT, ENVIRONMENT AND NATURAL RESOURCES.....1ST RESPONDENT

THE GOVERNOR, COUNTY GOVERNMENT OF THARAKA NITHI.....2ND RESPONDENT

THE COUNTY GOVERNMENT OF THARAKA NITHI.....3RD RESPONDENT

NATIONAL POLICE SERVICE.....4TH RESPONDENT

ATTORNEY GENERAL.....5TH RESPONDENT

RULING

1. The parties have on several occasions told the court that they were seeking an out of court settlement.

2. On 27th day of January, 2020, the parties proffered the following consent.

By consent:

1. That if there is no consent by 3rd February, 2020 the parties herein shall be relying on the pleadings and submissions that have been filed for the purpose of determination of the dispute here.

Signed

1. Mr. Murimi Murango – for the Petitioner

2. Mr. Kirimi Muturi – holding brief for Mr.Muthomi Gitari – for the 1st, 2nd & 3rd Respondents

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

4. The parties will come to record a consent or to obtain a date for delivery of judgment by, consent arrived at by the parties present in court, on **3rd February, 2020.**

Delivered in open Court at Chuka this 27th day of January, 2020 in the presence of:

CA: Ndegwa

Kirimi Muturi h/b Muthomi Gitari for 1st, 2nd and 3rd defendants

Murimi Murango for the Petitioner

P.M. NJOROGI

JUDGE