



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAKURU**

**NAKURU ELC NO. 225 OF 2012**

**(FORMERLY NAIROBI HCCC NO. 1338 OF 2006 AND NAKURU HCCC NO. 351 OF 2008)**

**TELPOSTA PENSION SCHEME REGISTERED TRUSTEES.....PLAINTIFF**

**VERSUS**

**JOHN MBUGUA KENDA & 5 OTHERS .....DEFENDANTS**

**CONSOLIDATED WITH**

**NAKURU ELC NO. 226 OF 2012 (FORMERLY NAKURU HCCC NO. 112 OF 2011)**

**AYUB NJUGUNA MWAURA & OTHERS.....PLAINTIFFS**

**VERSUS**

**TELPOSTA PENSION SCHEME**

**REGISTERED TRUSTEES..... DEFENDANT**

**CONSOLIDATED WITH**

**NAKURU ELC NO. 153 OF 2014**

**ISAAC NJENGA KINYANJUI & OTHERS .....PLAINTIFFS**

**VERSUS**

**TELEPOSTA PENSION SCHEME TRUSTEES.....DEFENDANT**

**CONSOLIDATED WITH**

**NAKURU ELC NO. 75 OF 2015**

**JOHN SALIMANAI OLOLMAITAI & ANOTHER.....PLAINTIFFS**

**VERSUS**

**TELPOSTA PENSION SCHEME REGISTERED TRUSTEES.....DEFENDANT**

**JUDGMENT**

*(Consolidated judgment in which various parties claim ownership of the same land; one party, Telposta Pension Scheme, holding title to the land described as Gilgil Township Block 4 whereas the other parties claiming to have title to the same land under the titles Gilgil Karunga Block 9 or Plots said to have been allocated by the County Council of Nakuru; evidence indicating that the land was compulsorily acquired by the Government; Government allotting the land to Telposta Pension Scheme which land later came to bear the*

**registration Gilgil Township Block 4; parties claiming to own the titles Gilgil Karunga Block 9 claiming that this land was purchased by a land buying company of which they were members and the land was then distributed to them; there being evidence that the land buying company purchased land from the original owner but no evidence of what ground the purchased land fell; the purchased land could not fall under what the Government had compulsorily acquired and the disputed land is part of what the Government compulsorily acquired; the County Council could not allocate this land as it was not owned by it; judgment entered in favour of Telposta Pension Scheme and other titles and/or purported plot allocations nullified)**

1. This judgment is in respect of four consolidated suits. The suit Nakuru ELC No. 225 of 2012 originated in the High Court of Nairobi as HCCC No. 1338 of 2006, (later Nakuru HCCC No. 351 of 2008) with the plaintiff being Telposta Pension Scheme Registered Trustees (Telposta) and the original defendants being 6 persons. The plaintiff was later amended to incorporate 38 persons as defendants who collectively claim ownership of various plots described by the prefix Gilgil/Karunga Block 9. On its part, Telposta asserts ownership of land registered as Gilgil/Township Block 4/82 and Telposta has claimed that the defendants have encroached into this parcel of land. In its suit, Telposta has sought orders of eviction and a permanent injunction against the defendants. The defendants refuted the claims of Telposta and reiterated that they are in possession of their parcels of land bearing the description Gilgil/Karunga Block 9.

2. In Nakuru HCCC No. 226 of 2012, the plaintiffs are 6 individuals and the defendant is Telposta. Here, the plaintiffs specifically claim to own the land parcels Gilgil/Karunga Block 9/2370 (Ol-Burgel), Gilgil/Karunga Block 9/2367, Gilgil/Karunga Block 9/2448 and various plots in Ol Begi Centre identified as Plots No. 2, 5, and 3. They sued Telposta alleging that the land where these plots fall is not land belonging to Telposta and they wished to have orders permanently restraining Telposta from these plots of land and for an order of survey for the District Surveyor to show the boundary between Block 4 and Block 9 (in Gilgil).

3. In the suit Nakuru ELC No. 153 of 2014, the plaintiffs are 10 individuals and the defendant is Telposta Pension Scheme. The plaintiffs in that suit have contended that they are allottees of various plots in Gilgil, Ol-Begi Centre. The plots are identified as Plots No. 7, 14, 6, 16, 55, 23, 4, 20, 48, and 52. They sued Telposta because the latter asked them to vacate the land where these plots fall, claiming that they are within the land parcels Gilgil Township Block 4/82 and 83. Their position is that these plots do not fall within the land parcels Gilgil Township Block 4/82 and 83, and they accused Telposta of superimposing the land parcels Gilgil Township Block 4/82 and 83 upon their plots.

4. The other suit is Nakuru ELC No. 75 of 2015 filed by two persons, John Salimanain Ololmaitai and Derek Kibe Githaiga Kioria against Telposta. The plaintiffs contend to be owners of the land parcels Gilgil/Karunga Block 9/5310 and 2451 (Ol Bergel). They contend that Telposta, through its personnel have trespassed into these parcels of land and wished to have them permanently restrained. Telposta filed defence denying the claim.

5. All the above suits were consolidated, with Telposta generally being deemed as the plaintiff and the other parties as defendants. What emerges is that Telposta claims to be the owner of the land parcels Gilgil Township Block 4/82 and 83, whereas the defendants (the plaintiffs in the other suits and defendants in the suit where Telposta is plaintiff) assert ownership of plots bearing the description Gilgil/Karunga Block 9 or Plots bearing different numbers said to be within Ol Begi Centre in Gilgil. The same ground where Telposta's titles Gilgil Township Block 4/82 and 83 fall is the same ground covered by the defendants' plots bearing the serial numbers Gilgil/Karunga Block 9 and the other plots said to be in Ol Begi Centre. The issue in dispute in this case therefore is which of the titles is the genuine title that should be upheld.

6. Telposta in support of its position called two witnesses. PW-1 was Peter Kipyegon Rotich, the Administrator and Trust Secretary of Telposta. He has vast experience with Telposta as he joined in the year 1989 as an Assistant Manager and rose through the ranks to the position that he currently holds and it was not surprising that he had a rich historical background which he narrated to court. He testified that Telposta was formed in the year 1999 to cater for the pension of workers of former employees of the East Africa Post & Telecommunications (EAPT) and later the Kenya Posts & Telecommunications (KP&TC). KP&TC itself came into being in 1977 after the EAPT was dismantled with the collapse of the East African Community and the East Africa Common Services. What happened is that KP&TC ceded some of its properties to cater for the pension of its former employees. In Gilgil area, KP&TC had a large tract of land, part of which was utilised by Gilgil Telecommunications Industry (GTI) as a factory for making telecommunication posts and part developed with some 274 houses and a sewer plant. The other part of the land was left as a vacant field. He testified that where the sewer plant is located is the land parcel Gilgil Township Block 4/83 whereas the vacant field is the land parcel Gilgil Township Block 4/82. He gave a history of these two parcels of land as follows :-

That the properties were there before comprised in a title LR No. 9776 measuring 622 acres which land was owned by Ol Burgel Company Limited. In the year 1977, the Government compulsorily acquired 265 acres of this land being the portion between the tarmac (referring to the Nairobi-Nakuru Highway) and the Railway line (the railway line from Nairobi to Nakuru). He produced some correspondences and a Gazette Notice No. 3435 of 2 December 1977 exhibiting the compulsory acquisition. This acquired portion of 265 acres became registered as LR No. 1317/235 under the Registration of Titles Act (RTA) (Cap 281) (repealed). He stated that this title was converted into the regime of the Registered Land Act (RLA) (Cap 300) (repealed) and registered as Gilgil/Block 4/7. The same was then subdivided into two portions to bring forth the land parcels Gilgil/Township Block 4/82 and 83 which are leasehold titles in the name of Telposta. Under cross-examination, he testified inter alia that not all the land that was compulsorily acquired by the Government was vested in Telposta. What was vested in Telposta was only 68 acres comprising of the title LR No. 1317/235. He further explained that what was compulsorily acquired fell on both sides of the railway but one side was set aside for the Armed Forces and they have fenced it off, and it only the other side allotted to Telposta which is in dispute. The other land held the pole treatment plant.

7. PW-2 was Mr. George Mugenyu a licenced land surveyor practising in the firm of M/s Regional Survey & Maps Consultants. He testified that he was engaged by Telposta to subdivide the land parcel Gilgil Block 4/7, the intention being to excise a portion for the sewer plant/oxidation pond. This sewer plant was already in existence at the time and it served the other developed properties that belonged to the former KP&TC within the area. He did a background check which revealed that the Plot No. 7 had been surveyed by a Mr. Olweny, a licenced surveyor (now deceased) on the strength of a letter of allotment issued by the Commissioner of Lands in the year 1979. He had the survey plan that Mr. Olweny drew for the Plot No. 7 which is F/R No. 188/122. He stated that at the time that he did the survey, there was no development, save for one semi-permanent house which had been fenced and which occupied about ¼ of an acre. He finalized his subdivision process in the year 2005 and Telposta were issued with titles bearing the registration Gilgil Block 4/82 and 83. He also testified

on the documents relied on by the defendants and their survey report which he essentially thought were not authentic. 8. He was cross-examined at length and he inter alia affirmed that LR No. 1317/235 is the same as Gilgil Township Block 4/7 the latter being the converted RLA title. He affirmed that LR No. 1317/235 was previously part of LR No. 9776. He also confirmed that there is a Registry Index Map (RIM) covering the land in dispute as Block 4 and another RIM (relied upon by the defendants) identifying the land as falling under Block 9 and which extends to the other side of the Railway (towards the land fenced by the Kenya Army).

9. DW-1 was Njoroge Kangethe the proprietor of the land parcel Gilgil/Karunga Block 9/2452. He explained that in the year 1986, some three land buying companies purchased land from Margaret Begg. He named these three companies as Rumuruti, Waichakaheri and Kiamukie Farmers Limited. He himself was a member of Rumuruti Farmers Limited. He stated that as a member he balloted for the land and he got his title in the year 2002. He then took possession and even buried his late wife here but later Telposta made a complaint over the land. He did mention that where his land is located is now settled and is a village. He also added that Rumuruti Farmers Company Limited was wound up.

10. DW-2 was Derek Kibe Githaiga Kioria. He testified that he owns the plots Gilgil/Karunga Block 9/2371 and 2145. He testified that he was also a member of Rumuruti Farmers Company Limited and that he similarly balloted for the land that he holds title to in the year 1989. He stated that the land purchased by the company is the present Gilgil Karunga/Block 9. He mentioned that what the three companies purchased was the land on the left side of the railway whereas the Armed Forces took possession of the land on the right side of the same railway. He did state that in the year 1992, some of their members were displaced so that the sewer plant may be developed and he claimed that they were never compensated. He was of opinion that the boundary of the Telposta land is where the houses have been developed and that it is Telposta who have now encroached into their land.

11. DW-3 was Ngugi Nguire one of the plaintiffs in the suit Nakuru ELC No 153 of 2014. He testified on his own behalf and on behalf of the other plaintiffs in the suit. These are owners of plots said to have been allocated by the County Council of Nakuru. He testified that in the year 2010, he himself was allocated the Plot No. 14 which is in Gilgil Town between the old Nakuru-Nairobi road and the railway, the same land that Telposta claim to own. He produced his allotment letter and that of the other plaintiffs said to have been allotted the plots by the County Council. These allotment letters are all dated 22 November 2010 and require the allottees to pay a sum of Kshs. 10,500/= within 30 days to signify acceptance. Cross-examined by counsel for Telposta, he stated that the plots are in Ol Begi Centre, though he did explain that there is no developed centre as such but that the area has been planned to be a centre. He had nothing to show that the land allocated to him and his co-plaintiffs was ever land owned by the County Council of Nakuru and he also did not have any payment receipt from the Council. He was not aware that the same land they claim is also claimed by Rumuruti Farmers Limited. He testified that their plots came out of the land parcel LR No. 1317.

12. DW-4 was Mr. Ayub Njuguna Mwaura a director of Rumuruti Farmers Company Limited (Rumuruti FCS). He testified that Rumuruti FCS, Waichakaheri FCS and Kiamukie FCS had an agreement with Margaret Begg, through which the companies purchased 3,515 acres (though he later changed this to 357 acres) being part of LR No. 9776. He stated that the three companies shared the 357 acres and that the land in dispute is within this area of 357 acres. He testified that Mr. Olweny, was the surveyor who subdivided the land between the three companies. He offered that on 8 April 1989, members balloted for the land supervised by the District Officer of Gilgil and they were shown what they had balloted for. Persons were then required to pay for their title deeds at Kenya Commercial Bank (KCB) Gilgil and he is the one who would certify that a member has paid so that his title deed may be processed. Cross-examined, he stated that he did not know if the plots came from LR No. 1317 as the land purchased by Rumuruti FCS came from LR No. 9776. He also did not know where the alleged County Council plots came from but he asserted that they were not from LR No. 9776. He testified that a sewer line was forcefully built on part of their land and that the sewer plant was also developed against their will. He claimed that what the Government acquired was only 200 acres and not 265 acres and that this 200 acres was given to the army.

13. DW-5 was Antony Kilonzo Munyasia. He is a surveyor with the Ministry of Land & Physical Planning. He presented a report prepared in the year 2012 by Mr. S.M. Mwangi, the then District Surveyor who has since been transferred to Nairobi. He disclosed that Gilgil Karunga Block 9 and Gilgil Township Block 4/82 and 89 overlap. He testified that Gilgil Karunga Block 9 resulted from an amalgamation and subdivision of four parcels of land of which LR No. 9776 was one of them. The survey was published in 1990 and freehold titles issued. He mentioned that in the year 2005, another survey, F/R No. 446/89, was done which resulted into the plots Gilgil Township Block 4/82 and 83 and that this survey overlapped the earlier survey of 1990. He testified that this survey was done on assumption that the land was Government land but that the land was not available as it had already been committed under Gilgil/Karunga Block 9. Within this Block 9, there was not any land reserved for an oxidation plant. He was cross-examined on the RIM for Gilgil Karunga Block 9 and he testified that an RIM is generated from a Survey Plan which is prepared by the surveyor contracted by the owner of the land. Once authenticated an F/R number is given. He could not see any F/R number in the RIM for Gilgil Karunga Block 9. He testified that the RIM was compiled from "field sheets" which is a loose survey plan that has no coordinates. He stated that survey of RTA land would need a survey plan and an F/R number. He acknowledged that he did not check the Deed Plan for LR No. 9776; was not aware of a purchase of 357 acres by the three mentioned land buying companies; not aware that the Government compulsorily acquired 265 acres of LR No 9776; not aware that Block 4/82 and 83 arose from a subdivision of Block 4/7 and not aware that Block 4/7 emerged from LR No. 1317/235. He could not tell how LR No. 9776 got converted into Gilgil Karunga Block 9. He noted that the subdivision of Gilgil Karunga Block 9 crosses over the Railway but did not know that this traverses Army land. He was not aware of the history of the parcels of land.

14. With the above evidence, the defendants closed their respective cases.

15. I invited counsel to file written submissions but the submissions that I have seen are only those filed by the defendants. I have taken these into account before arriving at my decision.

16. It is apparent to me that there are two sets of claimants pitted against Telposta and all parties assert ownership of the same land albeit described or registered differently. The first set of claimants are those holding allotment letters said to be from the County Council of Nakuru. The second set of claimants are those with titles or expecting to derive titles bearing the registration Gilgil Karunga Block 9. Telposta on its part seeks the same land under the titles Gilgil Township Block 4/82 and 83.

17. It is easy for me to deal with the first set of claimants, those alleging to have been allotted land by the County Council of Nakuru, for it is

clear to me that these persons have no legitimate claim over the disputed land. In as much as they mention that they were allotted land by the County Council, there is absolutely no evidence before me that the County Council of Nakuru owned this land so that it may have the capacity to distribute it. The so called allotment letters have also not been authenticated as coming from the former County Council of Nakuru and they could as well have been written anywhere in the backstreets. Even assuming that they are genuine allotment letters, there is no proof that the individuals adhered by the terms thereof by making the required payment of Kshs. 10,500/=. Given the above, I do not see how anyone can claim to own the disputed land based on these "allotment letters" and there is really no point of saying any more. The suit by the persons claiming ownership of the disputed land through the allotment letters said to have come from the County Council of Nakuru is hereby dismissed with costs.

18. Let me now turn to the case between the owners of the plots bearing the prefix Gilgil Karunga Block 9 on one hand, and Telposta on the other hand, as owner of Gilgil Township Block 4/82 and 83 and to do so I will need to dig a little into the history of the disputed land. The disputed land was originally LR No. 9776 which is a parcel of land with a title dating back to the colonial period. I have seen a survey plan of 1958 indicating that LR No. 9776 is a parcel of land measuring 622 acres and the land covered both sides of the railway. In the year 1977, the Government wished to compulsorily acquire part of this LR No. 9776. The notices produced show that the Government intended to acquire 418 acres of this land but it appears that what was actually acquired was 265 acres as noted in the letter dated 1 August 1979 from the Commissioner of Lands. The land LR No. 9776 must thereafter have been subdivided for I have seen a survey plan for the land parcel LR No. 1317/235 which is the survey plan F/R No. 188/122 carving out some land out of the original LR No. 9776. This survey plan was authenticated on 1 March 1990 meaning that at this time LR No. 1317/235 actually existed. There is indeed a letter dated 2 March 1990 from the Director of Surveys, to M/s I.E.W Olweny Licenced Surveyor, stating that the survey plan No. FR 188/122 has been approved and that Deed Plans may be submitted for signature. This land LR No. 1317/235 was approximately 30.44 Ha. This land was allotted to KP&TC and KP&TC transferred it to Telposta through Legal Notice No 154 of 5 November 1999 and thereafter the land became vested in Telposta. There is no question that this title LR No. 1317/235 was then converted to the land parcel Gilgil Township Block 4/7 and later subdivided into two plots to give forth the parcels Gilgil Township Block 4/82 and 83. This subdivision was done in the year 2005 and the purpose of it was to separate the sewer plant from the rest of the land. I have also seen a Part Development Plan (PDP) of 13 January 1988 approving the use of this land as an extension for the development of KP&TC staff houses which had already been developed in the adjacent land.

19. There is however correspondences of the years 1989 and 1990 between M/s Muruthi Mureithi & Company Advocates representing Rumuruti FCS and the Commissioner of Lands over the disputed land. There was a claim by Rumuruti FCS that KP&TC are claiming land that Rumuruti FCS purchased. The correspondences from the Commissioner of Lands are categorical that the Government compulsorily acquired this land through Gazette Notice No. 3435 of 2 December 1977 and thus the Government was entitled to allocate the land to KP&TC. This comes out clearly in the letter dated 28 February 1990 by the Commissioner of Lands. The correspondences also show that the Government was emphatic that what the Government purchased lay between the Railway line and the tarmac road (being the old Nakuru-Nairobi road) and that is exactly where the disputed land is located. I have not seen any evidence where Rumuruti FCS filed any suit to contest the Government's claim over this land. It does however appear that Rumuruti FCS proceeded to demarcate this land and allocated it to its members hence the plots herein bearing the prefix Gilgil/Karunga Block 9.

20. I have critically considered whether Rumuruti FCS had any right to demarcate this land. The evidence does show that Rumuruti FCS, Waichakahehi FCS and Kiamukie FCS purchased the shares of Ol Begi Limited in a transaction dated 27 March 1986. That agreement notes that out of LR No. 9776, what is being purchased is 357 acres, which would be correct because out of its total acreage of 622 acres, the Government had already acquired 265 acres. In total the three land buying companies purchased land measuring 3515 acres the rest of the land being comprised in LR Nos. 6542, 6584/5, 3777/148, and 3777/81. I have seen another agreement (undated) between the three companies which provides that they will equally share the land that they purchased, save for 400 acres sold to Akorino Farmers Company Limited (Akorino FCS). That agreement however does not state from which of the four parcels of land purchased that each land buying company will get its share. It also does not disclose the location of the 400 acres sold to Akorino FCS. No evidence was led on how the land was distributed and without such critical evidence, I cannot tell how the now four land buying companies distributed the land amongst themselves. I cannot tell which land buying company got what land and whether the land that it got was the correct acreage out of the sharing agreement.

21. The only evidence that the defendants base their claim on the Block 9 titles is the RIM, but no background was led on how that RIM was developed. Mr. Ayub Njuguna in his evidence did table a copy of a search of LR No. 9776, but I doubt if that search is complete, for it stops at entry No. 6, a caveat by the Government, and the preceding entry No. 5 is transfer to Ol Burgel Limited, yet there must have been further entries either to the Government or to Rumuruti FCS. Probably it would have helped the cause of the defendants if the defendants had come with some concrete evidence to show how LR No. 9776 was subdivided, first between themselves and the Government, and later between the four land buying companies, but no such evidence was led. The result is that I find the RIM to Gilgil Karunga Block 9 unsupported by any background evidence which would provide a basis for the land contained therein, that covers the land in dispute, being distributed to the defendants herein. As I have demonstrated above, the land between the railway and the old Nakuru-Nairobi road had already been acquired by the Government and having been so acquired, no other person could lay claim on it. I have also pointed out that no litigation seems to have been filed by the land buying companies contesting the Government laying claim to this particular section of the land and I do not see how these land buying companies could legally have distributed this land to its members.

22. I have noted the arguments of the defendants, and this was also in the survey report and the submissions of their counsel, that at the time Block 4 was created, there was already in existence Block 9, and therefore the creation of Block 4 was made in error. That cannot be the position. Block 4 was not created through a new grant, but was created by the conversion of LR No. 1317/235 from the RTA to the RLA regime. When the titles herein containing the Block 9 prefix were being created, there already existed LR No. 1317/235 vested in the Government, and it cannot be argued therefore that the defendants' Block 9 titles came first in time. It cannot also be argued that it is Block 4/82 and 83 which were superimposed onto Block 9, for in fact, it is the converse which is the position. It is Gilgil Karunga Block 9 (or at least part of it which falls within the disputed parcel of land) which was superimposed onto LR No. 1317/235, for LR No. 1317/235 existed first in time and the same land is now Gilgil Township/ Block 4/82 and 83.

23. From the above discourse, it will be seen that I am persuaded that the entity that has good title to the disputed land is Telposta Pension Scheme and their titles bearing the registration Gilgil Township/Block 4/82 and 83 are hereby upheld. Having held as much, the Block 9 titles in issue in this case must be nullified and I do proceed to nullify the same. The purported Block 9 RIM that covers the land where the titles Block 4/82 and 83 fall must also be nullified and the same is hereby nullified. I have already held that the purported plots said to have

been allotted by the County Council of Nakuru are null and void.

24.The holders of these titles Gilgil Karunga Block 9, or the plots must give vacant possession or be evicted and they are permanently restrained from the disputed land.

25.The only issue now left is costs and I award costs of all the consolidated suits to Telposta Pension Scheme.

26.I now make the following final orders :-

(i) That it is hereby declared that the titles Gilgil / Township Block 4/82 and 83 are genuine titles and the same are owned by Telposta Pension Scheme Registered Trustees. For the avoidance of doubt, this is the land falling between the old Nairobi-Nakuru Road and the Railway.

(ii) That any other title or plot allocation falling within the land occupied by the titles Gilgil /Township Block 4/82 and 83 is hereby nullified and this includes the titles of all the defendants in the suit Nakuru ELC No. 225 of 2012, and the plaintiffs in the suits Nakuru ELC No. 226 of 2012, Nakuru ELC No. 153 of 2014, and Nakuru ELC No. 75 of 2015. The said titles to be specified in the decree to be extracted.

(iii) That the Chief Land Registrar and the District Land Registrar, Nakuru, are hereby ordered to nullify and cancel the titles of the defendants in the suit ELC No. 225 of 2012, and the plaintiffs in the suits Nakuru ELC No. 226 of 2012, Nakuru ELC No. 153 of 2014, and Nakuru ELC No. 75 of 2015 as may be specified in the decree and to proceed and Gazette that the said titles are null and void.

(iv) That the Director of Surveys is hereby ordered to nullify the Registry Index Map bearing the prefix Gilgil/Karunga Block 9 (Ol Buregel) so long as it falls within the land occupied by the titles Gilgil/Township Block 4/82 and 83.

(v) That the defendants in the suit Nakuru ELC No.225 of 2012, and the plaintiffs in the suits Nakuru ELC No.226 of 2012, Nakuru ELC No.153 of 2014, and Nakuru ELC No. 75 of 2015 do forthwith vacate the land Gilgil Township Block 4/82 & 83 or they be forcefully evicted and are permanently restrained from the land.

(vi) That Telposta Pension Scheme Registered Trustees shall have the costs of the consolidated suits herein.

27.Judgment accordingly.

**Dated, signed and delivered in open court at NAKURU this 22<sup>ND</sup> DAY OF JANUARY 2020.**

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**

In the presence of:-

Mr. Bundotich for the plaintiff in ELC No.225/2012 (Teleposta Pension Scheme).

Mr. Mukira for the plaintiffs in ELC No.153/2012 and holding brief for Mr. Ikuu for the plaintiffs in ELC No. 75/2015.

Mr. Ayub Njuguna and Mr. David Kabaya Chege (Plaintiffs in ELC No. 226/2012).

Court Assistant – Nelima Janepher.

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**

**22/1/2020**