



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC JR NO. 16 OF 2017**

**JORAM KABERIA.....EXPARTE APPLICANT**

**VERSUS**

**DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER,**

**IGEMBE SOUTH DISTRICT.....1<sup>ST</sup> RESPONDENT**

**LAND ADJUDICATION COMMITTEE AKIRANGONDU**

**“A” ADJUDICATION SECTION.....2<sup>ND</sup> RESPONDENT**

**JULIUS THEURI.....INTERESTED PARTY**

**RULING**

1. The interested party filed the application dated 8/10/2019 seeking the following orders;

**(i) That this honourable Court do order the exparte Applicant/Respondent, his heirs, assigns, agents and his family members to give vacant possession of Land Parcels No. 1516, 9603, 5043 and 5044 Akirangondu “A” Adjudication Section situated at Anjalu area within Meru County to the interested party/ applicant and in default, he be forcibly evicted.**

**(ii) That the O.C.S. Kangeta Police Station to provide security to ensure compliance.**

2. The application was supported by the annexed affidavit of the applicant and on the grounds that;

**a. The land belonged to the interested party/applicant.**

**b. The interested party successfully lodged A/R Objections (sic) No. 810, 811,812,813, 841,815 and 2301 Akirangondu “A” Adjudication Section over land parcels 1516, 9603, 5043 and 5044 and the decision was made in his favour on 13/12/2011.**

**c. That the ex-parte applicant then filed this Judicial review suit against the interested party and two others challenging the decision in the A/R Objection and the same was dismissed with costs on 22/6/2018.**

**d. That the applicant ought to resume possession of his land Parcel after this judicial review was dismissed with cost on 22/6/2018.**

3. The application has not been opposed by the Exparte applicant who was duly served. Further, the Attorney General through the state counsel had indicated that they would not oppose the application (see proceedings of 25.11.2019).

4. Vide the Judgment of this court delivered on 22/06/2018, *ex-part applicant’s* notice of motion dated 28/11/2012 was dismissed on the basis that applicant did not demonstrate that there was want of jurisdiction or lack of natural justice in the process that gave rise to the impugned decision. The court also held that these proceedings were incompetent and time barred since only one administrator out of the two administrators appointed to administer the estate of the deceased M’Mibuari M’Mibuari was made an applicant instead of both of them. The orders of stay were also vacated, hence the decision in the objection proceedings still stands.

5. The application is un-opposed and there is nothing barring this court from issuing the orders sought. The application dated 8/10/2019 is therefore allowed with each party bearing their own costs..

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 19<sup>TH</sup> FEBRUARY, 2020 IN THE PRESENCE OF:-**

C/A: Kananu

Muthomi J. for Exparte Applicant

AG for 1<sup>st</sup> and 2<sup>nd</sup> respondent

Interested party (Julius)

Exparte applicant

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**