



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**MERU ELC PETITION CASE NO. 03 OF 2020**

**STANLEY KAILUTHA & 4 OTHERS.....PETITIONERS**

**VERSUS**

**THE ADJUDICATION OFFICER,**

**RUUIRI/RWAREBA ADJ SECTION & 2 OTHERS.....RESPONDENTS**

**AND**

**JUSTUS M'IKIAO M'MUTHURI & 3 OTHERS.....INTERESTED PARTIES**

**RULING**

1. This application is dated 9<sup>th</sup> March, 2020 and seeks the following orders:-

1. That the application be certified urgent and be heard ex-parte and service thereof be dispensed with in the first instance.
2. That pending the hearing and determination of this application interested parties, this honourable court be pleased to issue an order for temporary injunction restraining the respondents and the interested parties either by themselves, through their agents, servants or anybody else acting at their behest from evicting, disposing, continuing with the process of issuance of title deeds of the suit land in favour of the interested parties and/or interfering with the petitioners peaceful occupation of parcel No. RUUIRI/RWAREBA/Adjudication section 750, 752, 815, 831, 2447, 2969, 3999, 5670, 5997 and 6266.
3. That pending the hearing and determination of this petition, this honourable court be pleased to issue an order for temporary injunction restraining the respondents and the interested parties either by themselves, through their agents servants or anybody else acting at their behest from evicting, disposing, continuing with the process of issuance of title deeds of the suit land in favour of the interested parties and/or interfering with the petitioners peaceful occupation of land parcel Nos. Ruuiri/Rwareba Adjudication Section 750, 752, 815, 831, 2447, 2969, 3999, 5670, 5997 and 6266.
4. The court do issue any other orders it deems just and equitable in the circumstances.

2. The application is supported by the affidavit of Stanley Kiautha, the 1<sup>st</sup> Petitioner and has the following grounds:

- a. The petitioners are the rightful recorded owner of land parcel Nos. Ruuiri. Ruuiri/Rwareba Adjudication section 750, 752, 815, 831, 2447, 2969, 3999, 5670, 5997 and 6266 and whereby they have been in peaceful occupation since 1970s.
- b. That the petitioners have put up temporary and permanent buildings and other developments on the said parcels of land including indigenous and artificial trees livestock and fences.
- c. That now the 1<sup>st</sup> and 2<sup>nd</sup> respondents have illegally amended the adjudication records and effectively recorded the interested parties as the owners of the petitioners' land without involving them or any other member of his family.
- d. The interested parties who have never occupied the said parcel have threatened the petitioner that they will evict him therefrom.
- e. That the eviction will occasion irreparable and untold suffering to the petitioners since this is where they call home since they were born.

f. The petitioners have established a prima facie case with high chances of success.

3. When the application was slated for ex-parte hearing on 10.3.2020, the applicant was not in court. Having perused the apposite pleadings, it is ordered as follows:-

a) Matter is NOT certified urgent BUT will be heard on priority basis.

b) Prayer 2 is granted until 25<sup>th</sup> March, 2020 when the application will be heard at Meru by Hon. Lady Justice Lucy Mbugua, ELC Judge.

c) Application to be properly served upon the other parties within 7 days of today.

d) For avoidance of doubt, interpartes hearing at Meru on 25.3.2020.

4. Orders accordingly.

**Delivered in open Court at Chuka this 12<sup>th</sup> day of March, 2020** in the presence of:

CA: Ndegwa

Parties not in court

**P. M. NJOROGE,**

**JUDGE.**