



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**  
**CHUKA ELC CASE NO 23 OF 2017**  
**FORMERLY MERU PETITION CASE NO. 31 OF 2016**  
**IN THE MATTER OF THE CONTRAVENTION OF FUNDAMENTAL FREEDOMS AS**  
**ENSHRINSHED**  
**UNDER CHAPTER 4 OF THE CONSTITUTION OF KENYA**

AND

IN THE MATTER OF ARTICLES 27, 40, 47, 48 AND 50 OF THE CONSTITUTION OF KENYA

BETWEEN

NKOROI NJERU.....PETITIONER

VERSUS

DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER MERU SOUTH  
DISTRICT.....1<sup>ST</sup> RESPONDENT

DIRECTOR OF LAND ADJUDICATION .....2<sup>ND</sup> RESPONDENT

HON. ATTORNEY GENERAL .....3<sup>RD</sup> RESPONDENT

BAUNI M’NKAMBI.....4<sup>TH</sup> RESPONDENT

**RULING**

1. This application is dated 8.11.2016 and seeks orders:

1. That this honourable court be pleased to certify this application as urgent and service of the same be dispensed within the first instance.
2. That this honourable court be pleased to make an order of temporary injunction restraining the defendant, members of his family, servants or agents, from entering, remaining or interfering with the disputed land registration No’s **1243 & 1415** of **lower Kandugu** registration section within Meru South District until this application is heard.
3. That the honourable court be pleased to confirm the orders in prayer 2 there above until this petition is heard and determined.

4. That cost of this application be provided for:-

2. The application is supported by the affidavit of **NKOROI NJERU** and has the following grounds:

a) That the petition herein relates to a denial of A/R proceedings by the district land adjudication officer lower Kandugu registration section of the said proceedings (sic) would enable the petition to appeal to the minister, and this was done despite me applying and paid of the said proceedings.

b) That the said act of refusing to provide the petitioner with proceedings of land case No.661, 140, 95 is a prima facie glare breach of the clear provisions of the constitution which protects the fundamental rights of petitioner.

c) That the application is urgent since respondent wants now to evict the petitioner from the suit land which threats if executed will render the petitioners family destitute.

3. The application was heard interpartes on 7.3.2017. Mr Ogoti told the court that he was relying on the grounds on the face of the application, the affidavit and apposite annexures.

4. Mr. Ogoti told the court that the application ought to be allowed as it was not opposed.

5. Mr. Kaimenyi holding brief for Mr. Muriithi, for the respondents, told the court that Mr. Muriithi needed more time to respond.

6. I have considered the pleadings and the submissions proffered by the parties.

7. The application is allowed and prayer 2 thereof is confirmed.

8. Costs shall be in the cause.

9. The petitioner should put in written submissions with regard to the main petition within 14 days of today and the respondents should do so within 14 days after receipt of the petitioner's submissions.

10. The petitioner should serve the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents with the orders issued by the court vide this ruling within 10 days of today.

11. It is so ordered.

12. Direction on 12.4.2017.

Delivered in open court at Chuka this 7<sup>th</sup> day of March, 2017 in the presence of:

CA: Ndegwa

Elijah Ogoti for the Petitioner

Kaimanyi h/b Muriithi for the 4<sup>th</sup> Respondent

**P. M. NJOROGE**

**JUDGE**