



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**

**ENVIRONMENTAL & LAND COURT PETITION NO. 9B OF 2016**

**ANDREW KALUMA.....1ST PETITIONER**  
**NG'OLUA MWAINI.....2ND PETITIONER**  
**TOM TUARUCHU.....3RD PETITIONER**  
**SAMMY MUTIA.....4TH PETITIONER**

**VERSUS**

**THE DISTRICT LAND ADJ & SETTLEMENT**  
**OFFICER, IGEMBE SOUTH DISTRICT.....1ST RESPONDENT**  
**PS MINISTRY OF LANDS.....2ND RESPONDENT**  
**ATTORNEY GENERAL.....3RD RESPONDENT**  
**RIKIAU ADJUDICATION SECTION THROUGH ITS OFFICIALS**  
**ISAIAH NTOMBURA M'KAIRIAMA (CHAIRMAN),**  
**ANDREW NKAYURA THAIMUTA (COMMITTEE MEMBER)**  
**TIMOTHY MBAABU GICHUNGE (COMMITTEE MEMBER)**  
**M'MWIRICHIA M'KAUMBUTHU (MEMBER AND**  
**THANGICHIA M'IMUNYA (MEMBER).....INTERESTED PARTY**

**R U L I N G**

1. This application is dated 11/11/2016 and seeks orders:-

- 1. THAT this application be certified as urgent and be heard on priority basis.***
- 2. THAT the Honourable Court be pleased to issue an order enjoining the Applicants as interested parties to this petition.***

3. ***THAT costs for this application be provided for.***

2. The application is supported by the Affidavit of ISIAH NTOMBURA M'KAIRIAMA and has the following grounds:-

1. ***That the Applicants are part of officials of RIKIAU Adjudication Section duly appointed on 12th July 2007.***

2. ***That RIKIAU Adjudication Section was duly established on 23rd July 2007 by the Ministry of Lands and Settlement.***

3. ***THAT prior to the said land being declared trust land it was community land where the residents occupied the said section.***

4. ***THAT after the Adjudication Section was created it was never challenged after two (2) months as it is the requirements under the law.***

5. ***THAT Rikiau Adjudication Section was created it was never challenged after two (2) months as it is the requirements (sic) under the law.***

6. ***THAT Rikiau Adjudication section is well regulated and created under Land Adjudication Cap 284 Laws of Kenya.***

7. ***THAT prior to the conservatory orders which issued Rikiau Adjudication Section was undergoing surveying of individuals parcels.***

8. ***THAT mapping of the area has already been completed despite issuance of conservatory orders and this was pursuant to the Ministry Lands directive.***

9. ***THAT their (sic) were monthly reports aimed at show casing the progress in each occupant getting his/her own portion with clear road access.***

10. ***THAT there is no way an Adjudication Section can be created over another section, as they (sic) have been attempts to create MULA Adjudication Section over and above Rikiau Adjudication Section.***

11. ***THAT to safeguard the interest of occupants of Rikiau Adjudication Section this application should be allowed as prayed.***

12. ***THAT in the interest of justice the Applicants should be enforced (sic) to ensure that they are not affected by any adverse orders.***

3. On 7/12/2017, it transpired that the application was not opposed.

4. In the circumstances, the application is deemed heard and determined .

5. The application is allowed.

6. Costs shall be in the cause.

7. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 7TH DAY OF DECEMBER, 2016 IN THE PRESENCE OF:-**

CA: Daniel /James

Miss Kungu for the Respondents

Muthomi h/b Manasses Kariuki for Petitioners

Mutegi for the Interested Parties

**P.M. NJOROGE**

**JUDGE**