



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC CASE NO. 37 OF 2019 (OS)

MARGARET MUKONATHO.....PLAINTIFF/APPLICANT

VERSUS

ATTORNEY GENERAL.....1ST DEFENDANT/RESPONDENT

DLASO.....2ND DEFENDANT/RESPONDENT

(DEMARCATION LAND SURVEYOR OFFICER)

LAND ADJUDICATION OFFICER.....3RD DEFENDANT/RESPONDENT

CHIEF GIITHU LOCATION.....4TH DEFENDANT/RESPONDENT

NAHASHON KARUTI5TH DEFENDANT/RESPONDENT

RULING

1. This application is dated 24th July, 2020 and seeks the following orders:-

1. This Hon. Court be pleased to certify the matter herein is of uttermost urgent in the 1st instant for continuing of criminal offences of malicious damages felling of trees and splitting timbers and selling by forceful trespassing and violently.

2. This Hon. court further do issue an order for inhibition restraining the 5th respondent from forcefully and violently trespassing the applicant piece of land parcel No. 2411 at Giithu adjudication section pending hearing and determination of the case.

3. This Hon. Court to grant an order to the O.C.S. of Mikinduri Police Station to implement the court order for any forceful trespassing the suit land.

2. The application is supported by the affidavit of Margaret Mukonathu, the applicant and has the following grounds:-

a) The 5th respondent is continuing with criminal activities of forceful trespassing and violently damaging the applicant properties in the suit land knowing to be criminal offences when the case is pending in court for determination.

b) Despite several reporting to police at Mikinduri Police Station no action has been taken by the police pretending the case is in court.

3. Upon perusal of the application, I note that it concerns matters which have been under adjudication. In my view the orders sought should be handled by the court which will hear the main suit, in this case the Meru ELC Case. I issue the following orders:-

a) The matter is NOT certified urgent BUT is to be heard on priority basis.

b) The application will be placed before the Hon. Lady Lucy Mbugua, ELC Judge, at Meru on 19th August, 2020.

Delivered in Chambers at Chuka this **6th day of August, 2020** before:

CA: Ndegwa

P. M. NJORGE,

JUDGE.