



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

PETITION NO. 31 OF 2014

IN THE MATTER OF ENFORCEMENT OF CHAPTER FOUR OF THE CONSTITUTION AND THE BILL OF RIGHTS

AND

IN THE MATTER OF CONSTITUTION OF KENYA (PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES

AND

IN THE MATTER OF INFRINGEMENT OF THE PETITIONERS RIGHTS UNDER ARTICLES 27, 33, 35, 40, 47, 48, 50 AND 56 OF THE CONSTITUTION

AND

IN THE MATTER OF AMUN'GENTI “D” ADJUDICATION SECTION

AND IN THE MATTER OF UNFAIR APPOINTMENT OF ADJUDICATION COMMITTEE MEMBERS

AND

IN THE MATTER OF SECTION 5 AND 6 OF THE LAND ADJUDICATION ACT (CAP 284 L.O.K)

BETWEEN

PETER KIRIMI MBOGO1ST PETITIONER
HENRY M'MBURUGU MWAMBIA.....2ND PETITIONER
SOLOMON MUNYUA.....3RD PETITIONER
JACOB KITHERA.....4TH PETITIONER
JOSEPH MITHIKA.....5TH PETITIONER
JEREMIAH KIBURI.....6TH PETITIONER

ISAACK GITONGA.....7TH PETITIONER

PATRICK MUTHOMI.....8TH PETITIONER

DOREEN KIGETU.....9TH PETITIONER

AND

THE DISTRICT LAND ADJUDICATION OFFICER

IGEMBE SOUTH.....1ST RESPONDENT

THE DEPUTY COUNTY COMMISSIONER IGEMBE SOUTH...2ND RESPONDENT

THE ATTORNEY GENERAL.....3RD RESPONDENT

J U D G E M E N T

This petition is dated 25th day of September 2014 and the petitioners pray for the following reliefs:

- a) **An order of Judicial Review cancelling and quashing the decision and/or list of appointed committee members by the 1st and 2nd respondent to handpick committee members on 4.9.2014 contrary to the law.**
- b) **An order of permanent injunction restraining the 1st and 2nd respondents from swearing the purportedly appointed committee members of AMUNG'ENTI “D” Adjudication Section.**
- c) **A declaration that the petitioner's constitutional rights were infringed under the cited Articles.**
- d) **An order for the 1st and 2nd respondent to reconvene an election which is representative and in consonance with the law the constitution for MUNG'ENTI “D” Adjudication Section. (sic)**
- c) **Costs of the petition.**

On 2.11.2015 the advocates representing the parties proffered a consent which they asked the court to adopt as its order. The consent is dated 2.11.2015 and is in the following terms:

“By consent, the Advocates for the petitioners and the Respondent have agreed that:

1. ***The respondents to disband/dissolve the Land Committee for the Amungenti Adjudication Section and a new Committee to be appointed in consultation between the petitioners and the respondents.***
2. ***The Petitioner to withdraw the petition to allow formation of a new committee for the Amung'enti “D” Adjudication section with no orders as to costs.”***

The consent is adopted as an order of this court. As per the consent, I issue no order as to costs.

For the avoidance of any doubt, this petition is marked as settled and definitively determined.

It is so ordered.

Delivered in Open Court at Meru this 2nd day of November, 2015 in the presence of:

Cc Lilian/Daniel

Ken Muriuki for the Petitioners

Kiongo for the Respondents

P. M. NJOROGE

JUDGE