



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO. 114 OF 2008

GEOFFREY KIRIMI ITANIA.....PLAINTIFF

VS

THE CHEF LAND REGISTRAR.....1ST DEFENDANT

LAND REGISTRAR MERU CENTRAL.....2ND DEFENDANT.

THE HON. ATTORNEY GENERAL.....3RD DEFENDANT

MUNICIPAL COUNCIL OF MERU.....4TH DEFENDANT

MERU COUNTY GOVERNMENT.....APPLICANT

RULING

This application is dated 7th May, 2014 and seeks orders;

1. *The order of this Honourable court made suo moto on 22nd July 2010 enjoining the Municipal Council of Meru (now defunct) be set aside and vacated.*
2. *The Municipal Council of Meru be struck out from the pleadings and proceedings herein.*
3. *This Honourable court do make such further or better orders as will meet the ends of justice.*
4. *Costs be in the cause.*

It is supported by the affidavit of Geoffrey Kirimi Itania and on the following grounds.

1. *That the plaintiff's suit herein is basically challenging the restrictions placed on his title Nos. Meru Municipality Block 2/641 and Meru Municipality Block 2/642 by the 1st and 2nd defendants on 18th June, 2002 respectively.*
2. *That the plaintiff has no complaint against the Municipal Council of Meru or indeed the County Government of Meru.*
3. *That the Honorable Court, Justice Kasango Judge suo moto directed that the Municipal Council of Meru now defunct be enjoined herein by an order of 22nd July 2010.*
4. *That the afore-detailed order of 22nd July 2010 has unreasonably stymied the proceedings herein.*

The plaintiff in his submission filed by his advocate has told the court that he has no claim against the defunct Municipal Council of Meru or even its successor, the County Government of Meru. He submitted

that as his application had not been opposed, it should be allowed.

Although the defendants/respondents had been given ample opportunity to put in written submissions, they had not done so. I find that the orders prayed for in this application are merited. I grant prayers 1 and 2 in the application in the following terms;

1. *The order of this Honorable Court made suo moto on 22nd July, 2010 enjoining the Municipal Council of Meru (now defunct) is set aside and vacated.*
2. *The Municipal Council of Meru (now defunct) is struck out from the pleadings and proceedings in this suit.*
3. *Costs shall be in the cause.*

Written, dated and signed at Meru this 22nd day of October, 2014.

P. M. NJOROGE

JUDGE

Delivered in open court at Meru this 7th day of November, 2014 in the presence of ;

Lilian.

Parties not in court

P. M. NJOROGE

JUDGE