



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC JUDICIAL REVIEW CASE NO. 21 OF 2017**

**FORMERLY MERU ELC JUDICIAL REVIEW CASE NO. 615 OF 2013**

**REPUBLIC.....APPLICANT**

**VERSUS**

**LAND ADJUDICATION OFFICER**

**MERU SOUTH/MAARA DISTRICT.....RESPONDENT**

**M'RIBA RUMUKIA.....1<sup>ST</sup> INTERESTED PARTY**

**MWENDA KAJOGI.....2<sup>ND</sup> INTERESTED PARTY**

**EX-PARTE:**

**ZACHARY NJERU MUGAMBI.....1<sup>ST</sup> APPLICANT**

**M'NDEREBA MAGIRI.....2<sup>ND</sup> APPLICANT**

**FRANCIS KABURU JOHNSON.....3<sup>RD</sup> APPLICANT**

**RULING**

1. This application is dated **26<sup>th</sup> February, 2020** and seeks orders:

1. The honourable court be pleased to order for the cancellation of all the sub-divisions of P/NO.87 Lower Kandungu Adjudication Section to enable implementation of the decree of this court.
2. The honourable court be pleased to make any other orders as may meet the ends of Justice.
3. Costs be provided for.

2. The application has the following grounds:

A.The order of this court requiring the implementation of the decision of Kandungu Adjudication Committee made on 20.3.2001 cannot be implemented unless the original parcel No. 87 which has since been subdivided into 8 portions, the said subdivision is cancelled.

B. The said subdivisions were done after the decision of Adjudication Committee made on 20.3.2001 had already been made.

3. The application is supported by the affidavit of FRANCIS KABURU, the applicant, sworn on **26<sup>th</sup> February, 2020**.

4. When the application was heard, Mr. Kimathi Kiara, the applicant's advocate told the court that the application was meant to facilitate implementation of this court's decree.

5. The 2<sup>nd</sup> Interested Party, Mwenda Kanjogi, told the court that he agreed with the court's decision and felt that it was inspired by the Holy

spirit.

6. In the circumstances, the following orders are issued:

a) Prayer 1 in the application is allowed.

b) Costs are awarded to the applicant.

**Delivered in open Court at Chuka this 13<sup>th</sup> day of October, 2020 in the presence of:**

**CA: Ndegwa**

**Kimathi Kiara for the Ex-parte applicants**

**Mwenda Kanjogi – 2<sup>nd</sup> Interested Party**

**P.M. NJORGE**

**JUDGE**