



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
PETITION 191 OF 2012

PAULINE MUIA MAINGI1ST PETITIONER
THOMAS NGOMO NDUNDA2ND PETITIONER
PAUL MUINDE NDUNDA3RD PETITIONER
PETER ITUMO NDUNDA4TH PETITIONER

VERSUS

ATTORNEY GENERAL1ST RESPONDENT
DIRECTOR OF LAND ADJUDICATION2ND RESPONDENT
DIRECTOR OF SURVEY3RD RESPONDENT
MINISTER FOR LANDS4TH RESPONDENT

RULING

1. This petition concerns land adjudication in the area known as Nzalae in Kitui county. It is alleged that the area was subject of land adjudication under the ***Land Adjudication Act (Chapter 284 of the Laws of Kenya)***. The petitioner’s grievance is that they are not aware of the results of the adjudication and that this has made it difficult for them to protect their property rights. They now seek various declarations including the following;

(c) *An order compelling the respondents to disclose to the petitioners the results of adjudication process for Nzalae Adjudication Section completed on 12th June 1978.*

(d) *An order be issued compelling the respondent to publish the completion of adjudication process of Nzalae Adjudication Section as required by the Law Adjudication Act.*

2. According to the respondent, in a letter dated 27th April 2004 addressed to the petitioner’s advocate in relation to the area, “*The Nzalae Section was finalised on 12th June 1978, where the aggrieved persons had filed Appeal cases to the Minister whose determination would soon be implemented.*”

3. Mr. Wamotsa, who appeared for the respondents, has no objection to the court issuing orders for the release and or publication of information relating to the Land Adjudication.

4. In my view, an interim relief is merited in order to give effect to the provisions of **Article 35** of the Constitution which entitles every citizen to access the information held by the State.

5. In the circumstances, I make the following order;

(a) The 2nd respondent, the Director of Land Adjudication, is hereby directed to furnish to this Court and the petitioners the final results of the adjudication of the Nzalae Land Adjudication Section as set out in the letters dated 27th April 2004 (Ref No. 4/233/(54)) within 60 days from the date hereof.

(b) The petitioner be at liberty to apply for further and other orders.

(c) Mention on 5th October 2012.

(d) Costs in the cause.

DATED and DELIVERED at NAIROBI this 16th day of July 2012

D. MAJANJA

JUDGE