



**Kibathi v Mchawa & 18 others (Environment and Land Case  
E047 of 2025) [2025] KEELC 6315 (KLR) (25 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6315 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT AND LAND CASE E047 OF 2025  
FM NJOROGE, J  
SEPTEMBER 25, 2025**

**BETWEEN**

**GEORGE NGIGI KIBATHI ..... APPLICANT**

**AND**

**FRANCIS SHIDA MCHAWA & 18 OTHERS & 18 OTHERS & 18 OTHERS & 18  
OTHERS ..... RESPONDENT**

**RULING**

1. The application before me is dated 7/5/25. It seeks an order of temporary injunction to restrain the respondents from in any manner interfering with the land known as Plot Number 208-Mambrui (hereinafter referred to as the suit land) pending the hearing and determination of this suit.
2. The application is supported by the sworn affidavit of the applicant and is premised on the grounds that the applicant is the owner of the suit land which measures 34.13 acres but the respondents and other persons acting under their instructions have invaded the same and commenced construction of permanent structures without the applicant's permission. They have thus partially occupied a portion of the land, thus barring the applicant from utilizing it.
3. The 4<sup>th</sup>, 5<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, 17<sup>th</sup>, and 19<sup>th</sup> respondents filed a replying affidavit through the first respondent. Their answer to the application is that the plaintiff is the registered owner of the suit land but he has never been in at work you patient and possession of the suit land. that you only appeared on the suit property in the year 2025. Alleged minutes of meetings with a defendants and the applicant lack signatures. That some people have lived on the land for over 50 years. Now the 5<sup>th</sup> 8<sup>th</sup> 12<sup>th</sup> 13<sup>th</sup> 16<sup>th</sup> 17<sup>th</sup> and 18<sup>th</sup> respondents do not occupy any part of the property.
4. There was no response filed by the rest of the defendants.
5. As the 5<sup>th</sup>, 8<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> claim not to be in occupation of the suit property and no denial has been filed by the rest of the defendants, I find that the orders sought ought to be granted.



I therefore grant the prayers as prayed in prayer no 3 of the application dated 7/5/2025. The costs of the application shall be in the cause.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 25<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI.**

