



**Murage v Kibira & 3 others (Environment and Land Case
149 of 2015) [2025] KEELC 6674 (KLR) (6 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 6674 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE 149 OF 2015
CA OCHIENG, J
OCTOBER 6, 2025**

BETWEEN

JOHNSON MWANIKI MURAGE PLAINTIFF

AND

JOHNSON NYAGA KIBIRA 1ST DEFENDANT

THE DIRECTOR OF SURVEY 2ND DEFENDANT

THE COUNTY GOVERNMENT OF NAIROBI 3RD DEFENDANT

THE HONOURABLE ATTORNEY GENERAL 4TH DEFENDANT

RULING

1. What is before Court for determination is the Plaintiff's Notice of Motion application dated the 12th November 2024 where he seeks the following Orders:
 - a. That this Honourable Court do order that the 2nd and 3rd Defendants to verify and present a report to the Court on whether Plot No. 2/B67.4 Umoja Inner core and Land Parcel Number Nairobi Block 83/874 (Plot No. CS-70B Umoja Innercore Sector III) is one and the same property or not.
 - b. That the 2nd and 3rd Defendants be ordered to further verify and present a report to Court confirming whether the disputed property is Plot No. 2/B67.4 Umoja Inner Core or land parcel Number Nairobi Block 83/874 (Plot No. CS-70B Umoja Innercore Sector III).
 - c. That the cost of this application be in the cause.
2. The application is premised on grounds on its face and on the Plaintiff's supporting affidavit. He avers that in his pleadings, his claim is for Plot No. 2/B67.4 Umoja Innercore while the 1st Defendant has in his list of documents dated 19th March 2021 produced documents alleging ownership of land parcel



Number Nairobi Block 83/874 (Plot No. 2 /B67.4 Umoja Innercore Sector III), which he claims is the same as the suit plot thus there is need to put to rest the issue whether that is the case.

3. He contends that no amount of witnesses can solve the challenges of the competing claims and only surveyors' reports from the 2nd and 3rd Defendants will. He points out that an earlier attempt to resolve the matter failed due to the 3rd Defendant's refusal to cooperate and come up with a joint report with the 2nd Defendant, thus a report availed by the 2nd Defendant is inconclusive.
4. The Plaintiff submits that since the 2nd and 3rd Defendants are the custodians of the instruments relating to the suit property, they are best placed to prepare and present a report to Court in order to shed light on the contested issue. He relies on the case of Geoffrey Mekenye Omasa Suing as the Administrator of the estate of Kasmir Mekenye Omete v County Government of Kisii [2021] eKLR to support his arguments.
5. The application is not opposed.

Analysis and Determination

6. Having considered the instant application, supporting affidavit and submissions, the only issue for determination is whether the 2nd and 3rd Defendants should be compelled to produce a joint report to clarify whether Plot No. 2/B67.4 Umoja Inner core and Land Parcel Number Nairobi Block 83/874 (Plot No. CS-70B Umoja Innercore Sector III), refer to the same property.
7. The record indicates that the Plaintiff had sought similar orders directed to the Director of Survey vide his amended Notice of Motion dated 18th August 2021, which was allowed on 17th January 2022 and pursuant to this Court's orders, a survey report dated 5th April 2024 was filed by 2nd Defendant who observed as follows at paragraph 3 of the report;

“ Therefore, an analysis as to whether Plot No. 2/B67.4 Umoja Innercore and Land parcel Nairobi Block 83/874 (Plot No. CS-70B Umoja Inner Core Sector III) refer to the same property or not is not possible in the absence of the Nairobi City County providing maps that it holds in respect of Plot No. 2/B67.4 Umoja Inner Core ...”
8. From this excerpt, I opine that it is pertinent for the Nairobi County Government to avail their maps in respect to Plot No. 2/B67.4 Umoja Inner Core, to enable the Court effectually and completely determine the issue in dispute herein. It is worth noting that the Director of Survey and The Nairobi County Government were actually enjoined to this suit pursuant to this Court's orders of 9th April 2024.
9. Since the instant application is not opposed, noting that it is only a joint survey report from the 2nd and 3rd Defendants that will enable the Court resolve the dispute herein, I find the said application merited and will allow it.
10. In the foregoing, I direct that the 2nd and 3rd Defendants do verify and present a joint report to Court confirming whether the disputed property is Plot No. 2/B67.4 Umoja Inner Core or land parcel Number Nairobi Block 83/874 (Plot No. CS-70B Umoja Innercore Sector III), within ninety (90) days from the date hereof.
11. I so order.

DATED SIGNED AND DELIVERED AT NAIROBI THIS 6TH DAY OF OCTOBER, 2025

CHRISTINE OCHIENG



JUDGE

In the presence of:

Nyang for Defendant

Ms Mugo for Karanja for Plaintiff

Kemunto for 3rd Defendant

Court Assistant: Joan

