



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT CHUKA
CHUKA ELC PETITION CASE NO. 04 OF 2018

BARUA GITUMA & 6 OTHERS.....PETITIONERS

AND

THE NATIONAL LAND COMMISSION.....1ST RESPONDENT

THE CABINET SECRETARY, MINISTRY OF

LANDS AND PHYSICAL PLANNING.....2ND RESPONDENT

THE DISTRICT LAND ADJUDICATION OFFICER,

THARAKA NITHI COUNTY.....3RD RESPONDENT

THE HON. ATTORNEY GENERAL.....4TH RESPONDENT

RULING

1. The parties were coming to court to take directions today in terms of the orders contained in this court's ruling delivered on **31st October, 2018**.

2. Advocate Hon. Gitonga Murugara, MP, informed the court that advocate Jessee Mwiti, the petitioner's advocate, had suffered a stroke soon after the court delivered its ruling containing apposite directions on **31st October, 2018**. He told the court that he was holding brief for advocate Kinoti Kirera who was handling the matter on behalf of advocate Jesse Mwiti. He informed the court that Mr. Kinoti was handling a matter in another court at Chuka. He craved the court's indulgence to set aside the file and have the matter heard later on. The court granted the request and directed that the matter be heard at 12.01 pm today (15th January, 2019).

3. At 12.01 pm, advocate Kaimenyi Kithinji told the court that he was representing interested parties who wanted to be enjoined in this suit. Advocate Kinoti Kirera, the petitioners' advocate intimated that he was not opposed to the application. He asked the court to give the matter a mention date when the parties will come to court to confirm compliance with the orders which would be issued by the court. Consequently, I issue the following directions:

- a. The Interested parties' application dated **21st November, 2018** to enjoin them in this petition is allowed.

- b. The petitioners are directed to serve the orders issued by this court today UPON the National Land Commission and the Attorney General within 10 days of today.
- c. The Petitioners, the respondents and the Interested parties are directed to ensure that all the documents they have filed or will file in court in support of their respective cases are pellucidly legible.
- d. The Petitioners are directed to give particulars of the aliens or undeserving persons who they claim were irregularly allocated land during the adjudication process.
- e. The Interested parties are directed to give their national identity card numbers and to explain how they became owners of their parcels of land.
- f. The Interested parties and the respondents are directed to respond to the petition within 21 days of today and the petitioners are directed to respond, if necessary, within 30 days of receipt of responses by all the other parties and to file WRITTEN SUBMISSIONS within the said period of 30 days, AND to nevertheless do so if any or all of the other parties will not have filed responses within the stipulated time.
- g. The respondents and the Interested parties are directed to file their WRITTEN SUBMISSIONS within 30 days after receipt of the petitioners' written submissions.
- h. All parties are directed to concurrently deposit soft copies of all pleadings with court as they file hard copies thereof.
- i. The petitioners are directed to facilitate, within 10 days of today, the implementation of all orders issued by this court vide its ruling delivered on **31st October, 2018**.
- j. By consent of the Petitioners' advocate and the Interested parties' advocate, all parties are directed to come to court for directions on **Monday, 8th April, 2019**.

4. It is hereby reiterated that the parties will come to court for directions on 8th April, 2019.

5. It is so ordered.

Delivered in open court at Chuka this 15th day of January, 2019

in the presence of:

CA: Ndegwa

Kinoti Kirera for the Petitioners

Kaimenyi Kithinji for the Interested Parties

P. M. NJOROGE,

JUDGE