

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS

ELC. CASE NO. E062 OF 2023

ANNASTASIA WANGUI NG'ANG'A.....1ST PLAINTIFF

ISAAC WAIRAGU KARIUKI.....2ND PLAINTIFF

VERSUS

MUSYOKI NDETI.....1ST DEFENDANT

WILLY NDETI.....2ND DEFENDANT

RULING

The application is dated 9th October 2025 and is brought under Sections 4, 8, 9 and 11 of the Evictions and Resettlement Procedures Act 2012, Sections 24, 25 and 101 of the Land Registration Act 2012, Order 51 Rule 1 of the Civil Procedure Rules, Sections 1A, 1B and 34 of the Civil Procedure Act and Article 40 of the Constitution of Kenya 2010 seeking the following orders;

1. THAT this Hon. Court be pleased to certify this Application as urgent and issue eviction orders right away.
2. THAT this Hon. Court be pleased to order the Eviction of all squatters remaining thereon L.R No. 337/1000 (IR No. 226329) and demolition all the structures thereon under the supervision of (1) Deputy County Commissioner Mavoko Sub-County in Machakos County (2) The Officer Commanding Station (OCS) Mavoko/Athi

River Police Station/Division between 9:00 a.m to 4:00 p.m of any working day..

3. THAT this Hon. Court be pleased to issue such other/further orders/directions as it may deem fit/just to grant.

It is grounded on the Supporting Affidavit of Isaac Wairagu Kariuki together with the Affidavit of Service of P. Wambugu Kariuki and the grounds that L.R No. 33/1000 (I.R No. 226329) measuring about 1.841 Hectares is private property owned by the Plaintiffs as this Court has already Decreed. This Court vide Judgment dated 24th June, 2025 and Decree issued on 2nd July, 2025 has confirmed the ownership and proprietary rights of the Plaintiffs. Despite being served and being given 90 days' notice from 6th July, 2025 there are still squatters on the land who are yet to move out yet they are fully aware they do not own any portion thereof. Unless orders of eviction and demolition of the structures thereon and eviction of the squatters are issued as sought the constitutional right of ownership of the land by the Plaintiffs shall perpetually continue to be tramped upon the squatters allegedly.

This court has considered the application and the supporting affidavit. The Respondent was served but failed to attend court or file any opposition. I have perused the court file and find that on the 24th June 2025 this court delivered a judgement and made the following orders;

1. *An order of permanent injunction against the Defendants, their servants, agents, employees and/or through whoever against trespassing on L.R. No. 337/1000 (I.R. No. 226329).*
2. *The Defendants their servants, agents, employees and/or through whoever are to vacate the suit land L.R. No. 337/1000 (I.R. No. 226329) within the next 90 days from the date of service of this order and in default eviction order to issue.*
3. *No order as to costs as the matter was undefended.”*

The Defendants have not appealed against the same the Applicant states that despite being served and being given 90 days' notice from 6th July, 2025 there are still squatters on the land who are yet to move out yet they are fully aware they do not own any portion thereof. The application is not opposed. Court orders cannot be issued in vain. I find that the application is merited and I grant the following orders;

1. The Defendants their servants, agents, employees and/or through whoever are to vacate the suit land L.R. No. 337/1000 (I.R. No. 226329) within the next 60 days from the date of service of this order and in default eviction order to issue.
2. The OCS Mavoko/Athi River Police Station/Division to supervise the implementation of the orders.

3. No orders as to costs as the application was undefended.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT MACHAKOS THIS 17TH DAY
OF DECEMBER 2025.**

N.A. MATHEKA

JUDGE

ORIGINAL