



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

MISC CIVIL APPLICATION NO. 12 OF 2019

JEREMIAH M'NJOGU.....APPLICANT

VERSUS

EXECUTIVE OFFICER MERU HIGH COURT.....1ST RESPONDENT

DISTRICT LAND REGISTRAR – MERU CENTRAL...2ND RESPONDENT

DISTRICT SURVEYOR MERU CENTRAL.....3RD RESPONDENT

GILVERSE MUTETHIA JOHN.....4TH RESPONDENT

MARTHA NAITORE M'MURITHI.....5TH RESPONDENT

RULING

1. The applicant has filed two applications one dated 6.3.2019 and another one dated 6.6.2019. Mr. Kiongo, counsel for the 1st – 4th respondents has urged this court to take into account that applicant has filed numerous suits and applications where the subject matter is the same. Some of the files mentioned are:

- (i) Meru JR 19/16 ELC
- (ii) Meru HCC No. 1 of 2017
- (iii) ELC JR No. 31 of 2013

2. The said counsel urges this court to call for those files and consider them while giving a determination herein. Counsel for 5th respondent is in agreement with these averments and has added that the subject matter in all these suits is land parcel no. Ntima/Ntakira/685 which was allegedly divided in 1991 into Ntima/Ntakira/2488 and 2489.

3. The 5th respondent has also listed some of the other files as;

- Meru HCCA No. 21 of 1990.
- Meru Misc JR No. 30/2003 High court
- Meru JR Misc No. 5 of 2008
- HC JR No. 31/2013
- HC JR No. 7 of 2015
- HC JR No. 19 of 2016
- HC JR No. 7/2016

4. Applicant objects to the application by the respondents and he avers that the subject land is not the same.

5. I find that applicant is not candid since I have had the opportunity of perusing some of those files i.e. ELC JR No. 5/08 and I find that the suit land is the same.

6. In the circumstances directions are hereby given for the files mentioned by respondent to be availed whereby the court will consider the contents therein while giving a determination. For clarity, only the ELC files shall be availed though parties are at liberty to make reference to any other file.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 29TH DAY OF JULY, 2019 IN THE PRESENCE OF:-

C/A: Dennis

Applicant

Kiongo for 1st respondent and holding brief for Kayugira for 5th respondent

HON. LUCY. N. MBUGUA

ELC JUDGE