



**Mbeere County Council v Mareru & another; Inspector General of Police
& another (Interested Parties) (Environment and Land Miscellaneous
Application 7B of 2023) [2026] KEELC 1973 (KLR) (18 March 2026) (Ruling)**

Neutral citation: [2026] KEELC 1973 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT EMBU
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 7B OF 2023
AK BOR, J
MARCH 18, 2026**

BETWEEN

MBEERE COUNTY COUNCIL APPLICANT

AND

NJAGI NJUGUNA MARERU 1ST RESPONDENT

FREDRICK NJUGUNA NJAGI 2ND RESPONDENT

AND

INSPECTOR GENERAL OF POLICE INTERESTED PARTY

COUNTY GOVERNMENT OF EMBU INTERESTED PARTY

RULING

1. The court directed parties to file written submissions addressing the issue whether it can grant substantive orders on a miscellaneous application and the nature of the proceedings awaiting determination by the court in this matter.
2. Muthoni Ndeke & Co. Advocates filed submissions and indicated that this suit was previously Embu Misc. Case No. 47 of 2007. That it was transferred from Siakago court where it was originally filed as Siakago PMCC No. 38 of 2005. An order was made on 8/6/2007 transferring the matter to the Embu High Court for expeditious hearing and determination. The 1st respondent submitted that when the case was transferred it was not given a case number but proceeded as a miscellaneous application.
3. The Honourable Attorney General submitted that the subject matter of this suit was a long standing dispute over the land known as Evurore/Evurore/1067 which was registered in 1987 in the name of Embu County Council and reserved for the construction of Ishiara Secondary School. That when Mbeere County Council was created in 1996, it acquired assets within its jurisdiction including the



- suit land. That the Mbeere County Council allocated part of the suit land in 2005 for the construction of a police station which remains operational to date.
4. The AG submitted that there were attempts by the Embu County Council to transfer the suit land to the 1st respondent in 2006 and that the Mbeere County Council lodged a caution. The AG gave details of other disputes over the suit land involving parties in this case. These include Embu CM ELC Case No. E012 of 2020 which is a claim for Evurore/Evurore/2991 and Embu ELC Petition No. E003 of 2022 commenced by the Inspector General of Police.
 5. The AG submitted that petition No. E003 of 2022 had proceeded to an advanced stage and it should be treated as the lead file with all other related proceedings being stayed pending its final resolution. The AG went on to condense the issues that are pending before this court over the suit property. The AG submitted that the existence of parallel and multiple suits with respect to Evurore/Evurore/1067 had resulted in a disjointed and inefficient litigation process. The AG acknowledge that the overlapping cases were causing unnecessary delays and posed the risk of conflicting decisions being made over the same parcel of land.
 6. The court has perused the file. Through the amended plaint filed in Siakago PMCC No. 38 of 2005, Mbeere County Council sought an injunction to restrain Njagi Njuguna Mavevu alias Kimanthire and Fredrick Njuguna Njagi from dealing with the land known as Evurore/Evurore/1067. A consent was recorded on 5/6/2007 in Embu Misc. Application No. 47 of 2007 for the transfer of Siakago PMCC No. 38 of 2005 to the Embu High Court for hearing and determination.
 7. This followed the filing of an application by Njagi Njuguna Mavevu and Fredrick Njuguna Njagi who sought leave to appeal against the orders made by the Principal Magistrate's court sitting at Siakago dated 26/2/2007.
 8. It would seem that the registry changed the heading of the suit from Civil Appeal to Misc. Application No. 47 of 2007. After the consent was adopted, proceedings continued at the High Court in Misc. Civil application No. 47 of 2007.
 9. Muthoni Ndeke and Co. Advocates acting for Fredrick Njuguna Njagi, filed the application dated 17/4/2017 seeking to have the caution lodged by the Mbeere County Council against the Evurore/Evurore/1067 lifted and to have the name of Embu County Council deleted from the register as proprietor of the land and in its place, Fredrick Njuguna Njagi to be registered as the owner.
 10. The court delivered its ruling on 22/10/2015 and allowed the application. The High Court Judge noted in page 3 of the ruling that Ms. Muthoni submitted that the case filed by Mbeere County Council being Siakago PMCC No. 38 of 2005 was dismissed for want of prosecution. That submission was erroneous based on the summary above of what transpired in this matter.
 11. The Hon. Attorney General filed an application dated 8/11/2021 seeking leave for the Inspector General of Police to be joined as an interested party in the suit. The application also sought review and setting aside of the ruling delivered by Lady Justice F. Muchemi on 22/10/2015. The application was made on the ground that the Inspector General of Police had rights and responsibilities over the Ishiara Police post in Mbeere Sub County and that he had an identifiable stake in the proceedings. The Hon. Attorney General amended the application seeking joinder of the Inspector General of Police vide the application dated 9/5/2022.
 12. Through the ruling dated 4/10/2023, Lady Justice Njuguna transferred the matter to the Embu ELC for further directions on the hearing of the application dated 9/5/2022.



13. The Hon. AG filed another application dated 3/12/2024 seeking to set aside the orders made by Lady Justice F. Muchemi on 22/10/2015 and for the Inspector General of Police to join the matter.
14. This sums up the current status of this dispute. Strictly speaking, the Miscellaneous Application should only have dealt with the issue of appeal against the orders of the Learned Magistrate and once the suit was transferred to the High Court it should have been given a number for ordinary suits.
15. The dispute that was filed before the Siakago Law Courts and transferred to the High Court by the consent of the parties and subsequently to the ELC by the orders of Lady Justice Njuguna does not seem to have been resolved.
16. It would seem that the applications made by the AG for joinder of the Inspector General of Police to the suit have never been heard or determined. By extension, those applications sought the setting aside of the orders issued by Lady Justice Muchemi on 22/10/2015. As it were, this issue has not been determined by this court.
17. In light of these findings from the perusal of the matter, the court file will be placed before Justice Cheronu, ELC Embu for directions on the disposal of the pending dispute.

DELIVERED VIRTUALLY AT BUNGOMA THIS 18TH DAY OF MARCH 2026.

K. BOR

JUDGE

In the presence of: -

Ms. Wanjiku Kamochu for the Respondent

Mr. Kiongo Justin for the 1st Interested Party

No appearance for the Applicant and the 2nd Interested Party

