



REPUBLIC OF KENYA



**Murang'a County Government v Nyingi & another (Environment and Land  
Case E055 of 2025) [2026] KEELC 2647 (KLR) (6 May 2026) (Ruling)**

Neutral citation: [2026] KEELC 2647 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MURANGA  
ENVIRONMENT AND LAND CASE E055 OF 2025**

**MN GICHERU, J**

**MAY 6, 2026**

**BETWEEN**

**MURANG'A COUNTY GOVERNMENT ..... PLAINTIFF**

**AND**

**FELISTA WANJIRU NYINGI ..... 1<sup>ST</sup> DEFENDANT**

**LAND REGISTRAR MURANG'A ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. This ruling is on the notice of motion dated 29-9-2025. The motion is brought under Order 40 rule 2 of the Civil Procedure Rules and Sections 3A and 63(e) of the [Civil Procedure Act](#) and any other enabling provisions of law.
2. The motion seeks the following residual orders.
  - 2 and 3.

Pending the hearing and determination of this suit, a temporary injunction do issue to restrain the 1<sup>st</sup> and 2<sup>nd</sup> Defendants by themselves, their servants, agents or otherwise from using, dealing, alienating, disrupting trading activities or interfering with the current status of Murang'a/Municipality/Block 2/528, the suit property.
4. That costs of the application be provided.
3. The motion is premised on nine(9) grounds and is supported by the affidavit of Brian Ndeleva, the Director of Planning and Chief Officer in charge of land, planning and urban development for Murang'a County Government dated 29-9-2025. The gist of the grounds and the affidavit is as follows. Firstly in the year 1977, the Murang'a Municipality Development Plan was prepared and approved a year later in 1978 to serve as the official and guiding instrument for planning, zoning and alienation of land in Murang'a. The said plan described the suit land as a road truncation measuring 0.4 ha for



the road towards Grogon and the road towards Marigiti market indicating that it was never earmarked for private, commercial or residential use. Two, the 1<sup>st</sup> Defendant purports to have acquired the suit land through a letter of allotment dated 30-4-1996 issued by the County Council of Murang'a and a certificate of lease dated 15-9-2010. This is illegal as the land remains a public land vested upon the Plaintiff as the custodian and it is not available for allocation to private persons. Three, there are various contradictions on the size of the suit land. While the certificate of lease shows the size of the suit land as 0.0195 Ha, the size in the lease itself is 0.00225 Ha. Finally, the Plaintiff is apprehensive that unless the 1<sup>st</sup> Defendant is restrained by this Court, she will interfere with and disrupt the trading activities on the suit land.

4. The motion is opposed by the 1<sup>st</sup> Defendant who has sworn a replying affidavit dated 6-11-2025. The following is her response. Firstly, the plan of 1977 was not cast in stone and it was reviewed in 1996 when she was issued with a letter of allotment dated 30-4-1996. The said letter was issued by the County Council of Murang'a. The 1<sup>st</sup> Defendant, not being an employee of those who issued her with a certificate of lease with errors, cannot be blamed for those errors. Secondly, the Plaintiff has been in office for 13 years and has been receiving land rates from her so they should not be heard to deny her. Thirdly, the Plaintiff is not sincere because it is not telling the Court that it has traders on the suit land from whom it receives revenue. Finally, the suit land was delineated by qualified surveyors under instructions of the Director of Surveys. The 1<sup>st</sup> Defendant is therefore blameless.
5. Counsel for the Plaintiff filed written submissions dated 9-12-2025 and identified two issues for determination which are as follows.
  - i. Whether the Plaintiff has satisfied the conditions necessary for granting the injunctive orders sought.
  - ii. Who should bear the costs of this application.

The Defendant did not file any submissions within the set timelines of 30-3-2026.

6. I have carefully considered the motion in its entirety including the grounds, the supporting affidavit, the replying affidavit, the written submissions and the law cited therein. It is not in doubt that the 1<sup>st</sup> Defendant is the registered owner of the suit land. Both the Plaintiff and the 1<sup>st</sup> Defendant are in agreement on this single issue. It would seem that the suit land is currently occupied by third parties who pay rates to the Plaintiff. I say seem because the 1<sup>st</sup> Defendant has said so at paragraph 9 of the replying affidavit dated 6-11-2025 and the Plaintiff has not filed any supplementary material to controvert this.

I find that the status quo should be maintained such that the 1<sup>st</sup> Defendant remains the registered owner of the suit land and those in occupation remain until the suit is heard and determined.

The motion dated 29-9-2026 is therefore allowed in terms of prayers 2 and 3.

Costs in the cause.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 6<sup>TH</sup> DAY OF MAY, 2026.**

**M.N. GICHERU JUDGE.**

Delivered online in the presence of; -

Court Assistants – Jackline and Antony

Plaintiff's Counsel – Mr Mburu



1<sup>st</sup> Defendant – Absent

2<sup>nd</sup> Defendant – Absent

