



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 66 OF 2017

FORMERLY MERU ELC CASE NO. 188 OF 2016

SARAH KATHINI KAMUNYU.....PLAINTIFF

VERSUS

MAKUNYI RWANDA.....1ST DEFENDANT

KATHIIRI MAKUNYI.....2ND DEFENDANT

RULING

1. The Land Registrar, Chuka and the Surveyor-in-charge, Tharaka Nithi Sub County, came to court to explain why they had not implemented this court's orders issued on 15th November, 2017. They explained that owners of the affected parcels of land had refused to cooperate. They also told the court that although the chief was present when they visited the scene, he had failed to provide security.

2. After a lengthy hearing of all pertinent issues, this court issues the following orders:

a) The District Land Registrar and the District Surveyor in charge, Tharaka South Sub County to implement this court's orders issued on 15th November, 2017 on 11th May, 2018.

b) As a clarification, if necessary, boundaries for parcels of land which emanated from a subdivision or subdivisions of the original parcel No. 218 will be established so that boundaries for parcel numbers 2789 and 3138 can be ascertained. These parcels of land will include parcel numbers 2789, whose owner is in the USA, and parcel number 3232.

c) The District Surveyor (op.cit) and the District Land Registrar (op.cit) to file their joint report to court within 2 weeks after the 11th of May, 2018.

d) Costs concerning the visit by the surveyor and the Land Registrar and their activities apposite to implementation of this court's orders to be shared equally between the plaintiff, on the one hand, and the defendant on the other hand.

e) The plaintiff's advocate, Mr. Murango Mwenda, to coordinate all matters germane to the implementation of this court's apposite orders.

f) The Assistant County Commissioner, TUNYAI, is directed to provide security on 11th May, 2018 when the Land Registrar and the Surveyor will visit the relevant parcels of land to implement this court's orders.

g) The Land Registrar and the Surveyor to be in court on 12th of June, 2018, when they will present their report to court.

h) Directions on 12th June, 2018.

3. Costs shall be in the cause.

4. It is so ordered.

Delivered in Open court at Chuka this 18th day of April, 2018

in the presence of:

CA: Ndegwa

Murango Mwenda for the plaintiff

Makunyi Rwanda – 1st Defendant

Kathiiri Makunyi – 2nd defendant

P. M. NJORGE,

JUDGE.