



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC MISC JR 53 OF 2011**

**REPUBLIC ..... APPLICANT**

**VERSUS**

**MERU CENTRAL DISTRICT DISPUTE TRIBUNAL ..... 1<sup>ST</sup> RESPONENT**

**CHIEF MAGISTRATE COURT (MERU) ..... 2<sup>ND</sup> RESPONDENT**

**BETTY KAGWIRIA ..... 3<sup>RD</sup> RESPONDENT**

**MARY GACHERI MERERIA ..... 4<sup>TH</sup> RESPONDENT**

**SAMSON MUGAMBI MWERERIA ..... 5<sup>TH</sup> RESPONDENT**

**M'MWERERIA M'RINKANYA ..... EXPARTE APPLICANT/APPLICANT**

**RULING**

1. On 15.5.2018, Munene, counsel for applicant addressed the court as follows;

*“We have realized that the subject matter was cautioned by 3<sup>rd</sup> respondent on 7.7.2010 and the same is still in force. We pray that it be lifted for applicant to subdivide the land”.*

2. This suit was filed in 2011 which means the caution was not lodged on the land during the subsistence of this suit. The issue of the caution is also not captured anywhere in the judicial review motion filed on 25.7.2011 and its accompanying documents.

3. Therefore, this court doesn't know the circumstances under which the land was cautioned, hence the orders sought for cannot be granted in these proceedings.

4. I disallow the application for the removal of the caution.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 23<sup>RD</sup> DAY OF MAY, 2018 IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Munga holding brief for Munene for exparte applicant present

Attorney General for respondent absent

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**