



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

PETITION NO. 2 OF 2014

ISAIAH MBAABU (SUING ON BEHALF OF ATHIMBA CLAN).....1ST PETITIONER

PASQUALE MUKETHA (SUING THROUGH AKACHIU CLAN).....2ND PETITIONER

IBRAHIM KARANI (SUING THROUGH NKULA CLAN).....3RD PETITIONER

VERSUS

LAND ADJ & SETTLEMENT OFFICER.....1ST RESPONDENT

ATTORNEY GENERAL.....2ND RESPONDENT

MATE KABERIA BAIBIRI.....3RD RESPONDENT

KOBIA BAIMURI.....4TH RESPONDENT

PAUL SOLOMON MIRITI.....5TH RESPONDENT

RULING

1. A request has been made by counsel for 3rd, 4th and 5th defendants to have a scene visit in respect of the suit land. These respondents aver that the petitioners are alienating the suit land by disposing off the same to 3rd parties.
2. The Attorney General has no objection to the scene visit. However petitioners are opposed to the scene visit apparently because it would not be practical.
3. I find that this suit has been in court since January 2014 and the actual trial has never taken off.
4. The 3rd – 5th respondents aver that the scene visit will enable the court to get a clear picture of the dispute. Save for the part of being inconvenienced by the scene visit petitioners have not indicated as to how they will be prejudiced by the visit.
5. I hence allow the application for the scene visit in the following terms:
 - a. There is to be a scene visit conducted by the Deputy registrar of the court in the presence of the parties and/or their advocates.
 - b. The Deputy Registrar to make the following observations;
 - i. Who is in occupation of the land?
 - ii. How many families are on the disputed land?
 - iii. What activities and or developments are on the suit land?
 - c. Thereafter, the Deputy Registrar is to file the report in this court.
 - d. The 3rd – 5th respondents to meet the costs of the scene visit.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 16th MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Ogoti for petitioners

Kithinji holding brief for Kirima present

Attorney General for 1st and 2nd respondents absent

Mwiti for 3rd, 4th and 5th respondents present

HON. LUCY. N. MBUGUA

ELC JUDGE