



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC PETITION CASE NO. 04 OF 2018

BARUA GITUMA & 6 OTHERS.....PETITIONERS

AND

THE NATIONAL LAND COMMISSION & 3 OTHERS.....RESPONDENTS

RULING

1. This petition seeks the following reliefs:

1. A declaration that the Land Adjudication process conducted in Gakurungu Sub Location in the so called Tunyai 'B' Adjudication section was fraudulent, illegal, null and void ab initio.
2. A declaration that the fraudulent Land Adjudication process conducted in Gakuru Sub Location in the so called Tunyai 'B' Adjudication Section is an infringement of the petitioners' rights under Article 27, 40 and 47 of the Constitution.
3. An order for judicial review by way of an order of mandamus to compel the first respondent to recall all the title deeds issued in Gakurungu Sub Location, the so called Tunyai 'B' Adjudication Section and thereby revoke or cancel the same.
4. An order for judicial review by way of an order of mandamus to compel the respondents to conduct a fresh and proper land re-adjudication process in Gakurungu Sub Location, the so called Tunyai 'B' Adjudication Section which process should include identifying the true local residents and their actual occupation of land and thereafter issue fresh title deeds to the true local residents as per their land occupation.
5. Costs be awarded to the petitioners.

2. This petition, if it succeeds, has the potentiality of affecting thousands of Kenya Citizens. I, therefore, find it necessary to issue the following orders:

1. Petitioners to advertise the petition in the Daily Nation informing Interested Parties that they could enjoin themselves in the suit, if they so wished, **AND** the apposite advertisement to be effected within 21 days of today.
2. The petition to be availed to the Chiefs and the Assistant County Commissioner, Tunyai Division **AND** Mr. Kiongo, Senior Litigation Counsel in the AG's Office, as he has undertaken, to avail the petition upon the aforementioned government officers **AND** to tell them to appropriately bring to the attention of the residents of Tunyai Division the purport of this petition **AND** the petitioner's advocate to avail adequate copies of the petition to Mr.Kiongo within 14 days of today.

3. The orders issued by the court today to be properly served upon the 1st respondent within 10 days of today.

4. All respondents granted 21 days to respond to the petition and the petitioners irrespective of if or if not the respondents will have responded within the time stipulated herein to file their written submissions within 21 days after the period given to the respondents to respond to the petition elapses.

5. The orders issued by the court today to be served upon the Chief's of Locations in Tunyai Division and the Assistant County Commissioner in charge of Tunyai Division and Mr. Kiongo, as he has undertaken, to facilitate that service.

6. By consent, **directions** on 15th January, 2019

Delivered in open Court at Chuka this 31st day of October, 2018 in the presence of:

CA: Ndegwa

Jesse Mwiti for the Petitioners

Kiongo for the 2nd, 3rd and 4th Respondents

P.M. NJORGE

JUDGE