



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 118 OF 2017

FORMERLY MERU ELC CASE NO.94 OF 2015

ELIAS ZAKAYO NTHWIGA.....PLAINTIFF

VERSUS

DIRECTOR OF LAND

ADJUDICATION AND SETTLEMENT.....1ST DEFENDANT

LAND REGISTRAR – CHUKA.....2ND DEFENDANT

HON. ATTORNEY GENERAL.....3RD DEFENDANT

RULING

1. In his plaint dated 1st October, 2015, the plaintiff prays for judgment against the defendants jointly and separately as follows:

(i) An order of compensation of 5.9 Acres to the plaintiff and /or rectification of records to reflect the correct readings on ground and on paper by this defendant.

(ii) Cost of suit.

(iii) Any other relief that this Honourable Court might deem fit to grant.

2. On 23.3.2017, the parties proffered a consent in the following terms:

“The plaintiff has explained and we all agree that the claim that he had filed in court is for parcel MUTHAMBI/GATUA 572 0.34 Ha in sheet one. This is the parcel that he wanted resurveyed and the acreage to reflect on his title.

The plaintiff wants the land officers to correct his title to reflect parcels of land in MUTHAMBI/GATUA sheet seven. The officers were unable to go to resurvey the parcels in sheet seven which the plaintiff had not sought assistance on.

There is an error on the papers that the plaintiff filed for MUTHAMBI/GATUA sheet one. He need (sic) to request for assistance on MUTHAMBI/GATUA sheet seven and not on MUTHAMBI/GATUA sheet one which is before the court. There is no dispute on the parcel MUTHAMBI/GATUA sheet one.

The parties herein have agreed that the plaintiff should file afresh suit on MUTHAMBI/GATUA sheet seven for the land officers to be able to assist him.”

3. The consent is dated 23.3.2017

4. This consent is adopted as an order of this court with no orders as to costs.

5. This suit is marked as withdrawn.

6. It is so ordered.

Delivered in open court at Chuka this 23rd day of March, 2017.

in the presence of:

CA: Ndegwa

Elias Zakayo Ntwiga for the plaintiff

Kiongo for the defendants

P. M. NJOROGE,

JUDGE