



**REPUBLIC OF KENYA**

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

**CHUKA MISC. ELC CASE NO 04 OF 2017**

**FORMERLY MERU MISC ELC CASE NO. 11 OF 2011**

**JEDIELMIRITI NYAGA (SUING AS THE LEGAL REPRESENTATIVE OF THE  
ESTATE OF ALICE NYAGA).....APPLICANT**

**VERSUS**

**COUNTY GOVERNMENT OF THARAKA NITHI.....1<sup>ST</sup> RESPONDENT**

**PHINEAS NJAGE NDUBI.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. To finalize this matter, the parties have proffered a consent signed for them by their advocates, which they want this court to adopt as its order.

The consent is in the following terms:

By consent of the parties and their respective advocates;

1. The 2<sup>nd</sup> respondent herein Phineas Ndubi to provide a road of access from parcel No. Mwimbi/Chogoria/3502 accessing parcel No. Mwimbi/Chogoria/497 of 6 metres wide.
2. The Land Registrar, Land Surveyor and the Physical Planner Meru South District do visit the locus in quo within 14 days for purposes of implementing the same.
3. The applicant and the 2<sup>nd</sup> respondent to share the government charges.

Dated 27<sup>th</sup> day of September, 2017

2. This consent is adopted as an order of this court.

3. For avoidance of doubt, the Land Registrar, the Land Surveyor and the Physical Planner, Meru South District, are directed to provide a road of access from parcel No. MWIMBI/CHOGORIA/3502 to give access to parcel No. MWIMBI/CHOGORIA/497 and which road of access should be 6 metres wide.

4. Orders contained herein to be implemented within the next 14 days.

5. Directions on 2<sup>nd</sup> November, 2017.

6. It is so ordered.

Delivered in open court at Chuka this **27<sup>th</sup> day of September, 2017** in the presence of:

CA: Ndegwa

Mwiti for the Applicant

Murango Mwenda for the 1<sup>st</sup> Respondent

Mwanzia for the 2<sup>nd</sup> Respondent

Kiongo as Amicus

**P. M. NJOROGE**

**JUDGE**