



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**CIVIL CASE NO 110 OF 2016**

**BETTY NKATHA.....PLAINTIFF/APPLICANT**

**VERSUS**

**CONSOLATA KAREGI ROBERT.....1<sup>ST</sup> DEFENDANT /1<sup>ST</sup> RESPONDENT**

**DISTRICT LAND ADJ. OFFICER TIGANIA**

**WEST/EAST DISTRICT.....2<sup>ND</sup> DEFENDANT/2<sup>ND</sup> RESPONDENT**

**THE DISTRICT LAND REGISTRAR-MAUA.....3<sup>RD</sup> DEFENDANT/3<sup>RD</sup> RESPONDENT**

**THE HON. ATTORNEY GENERAL.....4<sup>TH</sup> DEFENDANT/4<sup>TH</sup> RESPONDENT**

**R U L I N G**

1. The Notice of Motion dated 26<sup>th</sup> day of July, 2016 seeks the following orders:-

1) Spent.

2) That the Honorable Court be pleased to issue an order of inhibition and/or restriction over parcel of land No. TIGANIA WEST/URINGU 11/671, pending the hearing and determination of this application or further orders of Court.

3) That the Honourable Court be pleased to issues an order of inhibition and/or restriction over parcel of land No. TIGANIA WEST/URINGU 11/671, pending the hearing and determination of this suit.

4) That the Honourable Court be pleased to issue an order of temporary injunction restraining the 1<sup>st</sup> Defendant/1<sup>st</sup> Respondent whether by herself, her agents ,servants, assigns and/or any other person acting at her behest from alienating and/or interfering with Plaintiff/Applicant's title, user, occupation and/or enjoyment of parcel of land No. Tigania WEST/URINGU 11/671 and eviction thereof pending the hearing and determination of this application or further order of Court.

5) That the Honourble Court be pleased to issue an order of temporary injunction restraining the 1<sup>st</sup> Defendant/1<sup>st</sup> Respondent whether by herself, her agents, servants, assigns and/or any other use, occupation and/or enjoyment of parcel of Land No. TIGANIA WEST/URINGU 11/671 and eviction thereof pending the hearing and determination of this suit.

6) That costs be borne by the 1<sup>st</sup> Defendant/1<sup>st</sup> Respondent.

2. The application is based on the grounds:-

- a) That the Applicant is in exclusive occupation of parcel No. TIGANIA WEST/URINGU 11/671.
- b) That the Applicant's Parcel No. TIGANIA WEST /URINGU/4499 has been reduced to accommodate Parcel No. TIGANIA WEST/URINGU 11/671 without due process.
- c) That the Applicant will certainly be evicted therefrom and there lies her homestead.
- d) That it is only fair, just and equitable that this application be allowed in the interests of justice.

3. There is also a Supporting Affidavit of the applicant. Way back on 28.07.16 the Court granted prayer 2 and 4. When the matter came up for directions on 10.07.17, the Attorney General stated that they were not opposed to the application. 1<sup>st</sup> Defendant had been served but no responses was filed.

I have also looked at the documents presented by the applicant which reveals that Applicant has proprietary interests on the suit and by virtue of having a title deed. I therefore proceed to confirm the orders given on 28.07.16 but the said orders will remain in force for a period of one year.

**SIGNED, DELIVERED AND DATED IN OPEN COURT AT MERU THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2017 IN THE PRESENCE OF:-**

CA: Janet

Mwanzia for Plaintiff/Applicant

Kiongo for Defendants present

**HON. L. N. MBUGUA**

**JUDGE**