



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT & LAND COURT OF KENYA**

**AT MILIMANI**

**ELC CASE NO. 23 OF 2017**

**SAIMA JEPKEMBOI .....PLAINTIFF/APPLICANT**

**=VERSUS=**

**THE NATIONAL LANDS COMMISSION..1<sup>ST</sup> DEFENDANT/RESPONDENT**

**THE SECRETARY LANDS MINISTRY OF LANDS &**

**PHYSICAL PLANNING.....2<sup>ND</sup> DEFENDANT/RESPONDENT**

**THE CHIEF LANDS REGISTRAR.....3<sup>RD</sup> DEFENDANT/RESPONDENTS**

**THE DIRECTOR SURVEY OF KENYA....4<sup>TH</sup> DEFENDANT/RESPONDENT**

**THE HON.ATTORNEY GENERAL.....5<sup>TH</sup> DEFENDANT/RESPONDENTS**

**WESTON KIPKOSGEI LAGAT.....6<sup>TH</sup> DEFENDANT/RESPONDENT**

**FAITH LIMO.....7<sup>TH</sup> DEFENDANT/RESPONDENT**

**RULING**

1. This is a ruling in respect of two separate applications filed by the Plaintiff/Applicant. The first one is dated 10<sup>th</sup> January 2017. This application seeks injunctive orders against the respondents. The applicant contends that she was allocated a plot along Masaba Road near Nyayo Stadium in 1996. This is after she applied for the same and all approvals necessary were granted. A deed plan was duly prepared. She however later learnt that the same plot is being fraudulently allocated to the sixth and seventh respondents.

2. The second application is dated 26<sup>th</sup> January 2017. It seeks injunctive orders and police assistance. The sixth and seventh respondents who were served by way of substituted service neither entered appearance nor filed a replying affidavit or grounds of opposition to the two applications. Counsel for the first respondents indicated to court on 4<sup>th</sup> April 2017 that as the first respondent was not adversely affected by the two applications, they did not wish to participate in the same. Counsel for the second, third, fourth and fifth respondents also indicated on 4<sup>th</sup> April 2017 that he was not opposed to the two applications.

3. From the materials presented by the applicant and given the fact that the applications are not opposed, I

find that the applicant has a prima facie case. I therefore allow the applicant's notice of motion dated 10<sup>th</sup> January 2017, in terms of prayers *three (3), four (4) five (5) and six (6)*. The notice of motion dated 26<sup>th</sup> January, 2017 is allowed in terms of prayers *three (3), four (4), six (6), and nine (9)*.

It is so ordered.

**Dated, Signed and delivered at Nairobi on this 21<sup>st</sup> day of September, 2017.**

**E.O.OBAGA**

**JUDGE**

In the presence of :

Mr Kassim for Plaintiff

Court Assistant: Hilda

**E.O.OBAGA**

**JUDGE**