



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA
AT KERICHO
ENVIRONMENT AND LAND CASE NO. 4 OF 2015

PAULINA KIKWAI LANGAT.....

PLAINTIFF

VERSUS

COUNTY GOVERNMENT OF BOMET.....1ST

DEFENDANT

KEBINICO CONTRACTORS LTD 2ND

DEFENDANT

JUDGMENT

(Suit for compensation for loss of land; defendant building a road and bridge on part of the plaintiff's land; case of plaintiff not opposed; judgment entered for the plaintiff for value of loss incurred.)

The defendants in this case did not enter appearance nor file any document to oppose the plaintiff's case. The case of the plaintiff is therefore uncontroverted.

Through a plaint filed on 22nd January 2015, the plaintiff pleaded that she is the registered owner of the land parcel **Kericho/East Sotik S.S/ 159**. She pleaded that in the year 2014, the 1st defendant through the 2nd defendant, trespassed into her land and constructed a road and bridge for public use, without her consent. As a result, she has lost part of her land. Her fence and trees were also destroyed. She has through this suit, claimed compensation for her loss.

The plaintiff testified and called two witnesses one of whom was a surveyor. She also produced her title deed and a valuation report which outlined the loss that she has suffered. The evidence shows that there had been a road and bridge which bordered the plaintiff's land. It appears as if the County Government of Bomet wanted to rehabilitate this road and bridge. In doing so, they encroached into the land of the plaintiff so that part of the rehabilitated road and bridge now lie within the plaintiff's land. The area encroached is the equivalent of 0.25 of an acre valued at Kshs. 750,000/= by Prime Valuers through their report dated 3rd September 2015. The fence and trees destroyed have been valued at Kshs. 61, 492.50/=. The total loss incurred by the plaintiff is therefore Kshs. 811, 492. 50/=.

As I mentioned in my first sentence, the defendants have not opposed the case of the plaintiff. It is

apparent from the evidence on record that the plaintiff has suffered loss owing to the activities of the defendants. She is entitled to compensation and I hereby enter judgment in her favour as against the defendants jointly and/or severally for the sum of Kshs. 811, 492. 50/= alongside costs and interest.

It is so ordered.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 29TH DAY OF JANUARY, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

In the presence of:

1. Mr. J.K.Rono for the Plaintiff
2. Defendants- Absent
3. Court Assistant- Kenei