



Rotich v Ngongongeri Settlement Scheme & 5 others (Environment & Land Case 23 of 2024) [2024] KEELC 5706 (KLR) (26 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5706 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE 23 OF 2024**

**A OMBWAYO, J
JULY 26, 2024**

BETWEEN

JOHN KIBETT ROTICH PLAINTIFF

AND

NGONGONGERI SETTLEMENT SCHEME 1ST DEFENDANT

JACKSON CHEBII 2ND DEFENDANT

HOSEA CHEMWENO 3RD DEFENDANT

MARTHA OBIRIA 4TH DEFENDANT

ISAIAH OGECHI 5TH DEFENDANT

WILLIAM CHERUIYOT KOECH 6TH DEFENDANT

RULING

1. John Kibett Rotich hereinafter referred to as the applicant has come to court against Ngogongeri settlement scheme and five others seeking orders that pending the hearing of the suit this honourable court be pleased to issue an injunctive order restraining the respondents whether by themselves, servants, employees, agents or any other person acting under their instructions for entering the contentious building thereon or in any other management interfering with all that parcel of land known as Nakuru Ngongongeri /92. Moreover an order directing the OCS Njoro Police Station to supervise the implementation of the above order.
2. The application is based on grounds that the applicant is registered as the owner of the suit parcel thus entitled to exclusive occupation and possession. The Defendants/Respondents are marauding land fraudsters scheming over the Applicants property and intending to defraud the Applicant of his property alongside other related family properties. He contends that the Respondents are presently engaging in acts of trespass inconsistent with and contravention of the Applicants right to the property,



particularly cultivating and erecting temporary structures thereon. They have also broken down fences and cut down trees for timber and are frequently selling/leasing parcels to third parties under the guise of the Applicants authority even though no such authority was conferred upon them. The Applicant is apprehensive of the risks to his registered interests posed by the Respondents actions, more so with regards to ownership and rights whereof as well as sustained degradation at the hands of these fraudsters and their agents. According to the applicant, he stands to suffer irreparable loss if the orders sought are not granted.

3. The orders sought to be granted by the Honorable court will safeguard the subject matter which is being interfered with by the Respondents and their agents and there is the risk of destroying the substratum of the accompanying suit herein
4. I have considered the facts of this case from both sides, the law, and do find that the defendants appear to be in possession of the suit property and there is no disclosure as to when they took possession. I do find that it is only fair to maintain the status quo in this matter and therefore, I do make an order that the status quo to be maintained in the register of the suit parcel hence the Land Registrar, Nakuru is restrained from making any entry in the register, registering any transaction in respect of the suit property. Moreover, that the status quo on the ground to be maintained until the hearing and determination of the suit property. Costs in the cause. The matter to be fast-tracked for hearing.

RULING DATED, SIGNED AND DELIVERED ELECTRONICALLY ON 26TH JULY 2024

A.O.OMBWAYO

JUDGE

