

NAIROBI CITY COUNTY ASSEMBLY



SECOND ASSEMBLY

(THIRD SESSION)

[PUBLIC PETITION PURSUANT TO STANDING ORDER 208]

BY A RESIDENT OF KARIOBANGI SOUTH WARD, KCC VILLAGE
FORMALIZATION PROJECT ON COMMERCIAL PLOTS NUMBER C34
AND C38 WITHIN NAIROBI CITY COUNTY.

I **THE UNDERSIGNED** Citizen of Kenya who is resident of Kariobangi South ward, KCC Village in Nairobi County;

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the constitution vests the legislative authority and oversight of the County governments in the county assembly;

THAT, Article 62 of the constitution mandates the county government to hold in trust public land on behalf of county residents;

THAT, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance for provision of basic infrastructure and services;

THAT WHEREAS, Section 5(e) of The National Land Commission Act, 2012 requires the commission to initiate investigations into present or historical land injustices and recommend appropriate redress;

BY A RESIDENT OF KARIOBANGI SOUTH KCC VILLAGE FORMALISATION PROJECT ON COMMERCIAL PLOTS NUMBER C34 AND C38 WITHIN NAIROBI CITY COUNTY.

THAT WHEREAS, on the 7th January 2002 the then City Council of Nairobi vide allotment letter ref CPD 5767 AND 5768 allocated to the petitioner plots C34 and C38 Kariobangi South KCC Village Formalisation Project Commercial plot respectively;

THAT WHEREAS, plot number C38 was initially allocated to one Peter Irungu who Later sold it to the petitioner and the said sale and transfer were effected on the allotment letter ref CPD 5768;

THAT WHEREAS, the allotment letter being an offer and subject to acceptance with the period specified on the face and also upon accepting by paying and meeting all the conditions set out. This being the payment of standard premium and ground rent;

THAT WHEREAS, upon the said payment of all the prerequisite, the Petitioner proceeded and applied for the beacon Certificate, which upon payment, they were issued showing the boundaries of both plots;

THAT WHEREAS, the petitioner submitted all the development plans which were approved in accordance with the Physical Planning Act and the City Council of Nairobi Building Code and commenced construction as per the plot user which was commercial whereby one construction was permanent and the other was semi-permanent;

THAT, in 2008 the then City Council of Nairobi had threatened to repossess and interfere with the said plots and other hence the petitioner moved to court vide chief Magistrate Civil Suit Number 6182 of 2008 EVANSON N. KAGATA and 60 others VERSUS CITY COUNCIL OF NAIROBI;

THAT WHEREAS, on the 6th day of October 2008 the Honourable Magistrate's court issued orders for permanent Injunction restraining the city Council of Nairobi from interfering with our quiet possession of plots C34, C41, C42, C44, C61 and C66 situated in Kariobangi South KCC Village until the Suits is heard and determined. The order

BY A RESIDENT OF KARIOBANGI SOUTH KCC VILLAGE FORMALISATION PROJECT ON COMMERCIAL PLOTS NUMBER C34 AND C38 WITHIN NAIROBI CITY COUNTY.

issued on 6th October 2008 by Senior Principal Magistrate Kiarie W.Kiarie are still effective and have not been vacated to date;

THAT, since then the petitioner had quiet and peaceful enjoyment of the plots until recently in 2019 a contractor on the site of the adjacent Horticulture Wholesale Market under construction excavated the ground in my plots creating and or leaving them as an island;

THAT, to compound on this, the officers from Kenya Urban Roads Authority(KURA)visited the two plots and showed the petitioner a Part Development Plan(PDP)showing that the place where the two plots stand as been envisaged for weighing Bridge and a turning point for heavy trucks entering and leaving the Horticultural Wholesale Market;

THAT, to petitioner's Knowledge and information from the time of allocation by the then City Council of Nairobi the area approved Part Development Plan had no such establishment of a Weighing Bridge;

THAT, the change of the on the Part Development Plan was done without the petitioner's consultation, neither was his consent obtained;

THAT WHEREAS, petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, the matters in respect of which the petition is raised is pending before court of law or constitutional body; and

HEREFORE, your humble Petitioner **PRAY** that the County Assembly of Nairobi County intervenes and ensure that; -

- a) The County Executive do take the initiative of compensating plots and developments in them or relocate plots of similar value elsewhere and also

BY A RESIDENT OF KARIOBANGI SOUTH KCC VILLAGE FORMALISATION PROJECT ON COMMERCIAL PLOTS NUMBER C34 AND C38 WITHIN NAIROBI CITY COUNTY.

compensate for the development upon the developments being valued by parties appointed quantity surveyor/valuer.

And your Petitioner will forever pray.

Presented by;

Hon Benson Mwangi

On behalf of;

- The Residents of Mowlem.

And by extension;

- All residents of Nairobi County.