

Report on Petition filed on 3/1/16
by Hon. Maxwell Ochar
PCA (Ch.S.P.)
Mfar.
3/13/16.

COUNTY GOVERNMENT OF NAIROBI



**CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI**

**NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY - FOURTH SESSION**

**REPORT OF THE SECTORAL
COMMITTEE ON PLANNING AND HOUSING**

ON

***THE PETITION BY RESIDENTS OF EMBAKASI MRADI REGARDING THE
DEMOLITION OF THEIR STRUCTURES ON LAND REG. NO. LR 9042/130.***

**Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi**

MARCH 2016

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1.0 PREFACE

The Sectoral Committee on Planning and Housing is established under Standing Order 191, and its mandate amongst others, as outlined under Standing Order 191 (5) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

Committee Membership

The Committee comprises of the following Members:-

- 1. Hon. Jairo Atenya Asitiba, MCA (Chairman)**
- 2. Hon. Maxwell Ochieng Ochar, MCA (Vice Chairman)**
3. Hon. Mike Obonyo Guoro, MCA
4. Hon. Alvin Olanda Palapala, MCA
5. Hon. Nelson Masiga, MCA
6. Hon. Elias Otieno Okumu, MCA
7. Hon. Stephen Kambi, MCA
8. Hon. Magdalene Mbogori, MCA

9. Hon. James Kinuthia, MCA
10. Hon. Daniel Mari Mbugua, MCA
11. Hon. Njuguna Mwangi, MCA
12. Hon. Joyce Bocha, MCA
13. Hon. Caroline Muga, MCA
14. Hon. Rachael Kamweru, MCA
15. Hon. Leah Mumo Mate, MCA
16. Hon. Paul Kiguathi Kados, MCA
17. Hon. Abdi I. Hassan, MCA

The Committee exercise oversight role on the work and administration of the **Lands and Urban Planning** and **Urban Renewal and Housing** Sectors.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - ***“County Planning and Development, including statistics, land survey and mapping, fencing and housing”***

Mr. Speaker Sir,

Pursuant to Standing Order No. 195, residents of Embakasi Mradi petitioned the County Assembly seeking the Assembly to intervene on the demolition of their structures on Land Reg. No. LR 9042/130. Pursuant to Standing Order 202, the petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

The petitioners' prayers were that the County Assembly does the following:-

1. *Intervene into the matter with a view to investigate and take necessary action against officers of the County Government who authorized the said demolitions in total disregard of an existing Court Order; and*
2. *Urges the County Government of Nairobi to restore the suit property (the contested land and the petitioner's buildings/ structures) to the status it was before the demolitions by compensating residents for the loss of property occasioned by the illegal demolition.*

Mr. Speaker Sir,

Due to unavoidable circumstances, the Committee did not consider the petition within 60 calendar days as provided for by Standing Order 202(2). In order to ascertain issues raised in the petition, the Committee resolved to meet all parties mentioned in the petition before making appropriate recommendations. The Committee identified the following as parties to the petition;

- i.) The Petitioners(residents of Embakasi Mradi)
- ii.) Marashi Holdings(the developer)
- iii.) **The County Executive (Lands and Urban Planning Sector).**

The Committee met all the parties apart from Mr. Anish Doshi the Director of Marashi Holdings despite several invitations having been sent to him including summons to appear before the Committee. Other parties submitted both written and oral submissions. The Committee also held a site visit to the contested parcel of land as part of the fact finding mission.

Mr. Speaker Sir,

While considering the petition, the Committee sought to address the following:

- i.) Who are the rightful owners of the contested land;
- ii.) What occasioned the demolition of the structures on the said parcel of land; and
- iii.) Whether there were any substantial breaches requiring any remedial measures.

This report contains the Committee's findings, observations and recommendations on the petition.

Mr. Speaker Sir,

I wish to sincerely thank Members of the Committee for their sacrifice, magnanimity and valuable contributions during the consideration of the petition. The Committee also wishes to sincerely thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.

It is my honour and pleasure on behalf of the Committee to present this Report of the Committee on Planning and Housing on the Petition by residents of Embakasi Mradi regarding the demolition of their structures on Land Reg. No. LR 9042/130 with recommendations to the Assembly for consideration and adoption.

Thank You.

SIGNED


Hon Jairo Atenya Asitiba, MCA
(CHAIRPERSON)

DATE..... 31/3/2016

2.0 INTRODUCTION

- 2.01. Pursuant to Standing Order No. 195, residents of Embakasi Mradi petitioned the County Assembly on 31st March, 2015, seeking the Assembly to intervene on the demolition of their structures on Land Reg. No. LR 9042/130. Pursuant to Standing Order 202, the petition was committed to the sectoral committee on Planning and Housing to inquire into the issues raised and report to the Assembly.
- 2.02. In the petition, the petitioners averred that they are residents of the area generally known as Embakasi Mradi and that they have lived on the land in contestation for twenty uninterrupted years. In 2011, they applied for a title deed so that they can officially own the said land having never been a claim from any persons nor institutions for the said period of occupation.
- 2.03. The petitioners, further stated that once they applied for the title, Marashi Holdings Ltd emerged to claim ownership of the land despite not having objected to their stay on the land for twenty years. This prompted them to seek redress from the Court, the Court issued an Order barring any parties from continued development or interference of the suit property until the case is determined. However, Marashi Holdings went ahead and demolished the structures on 25th February, 2015.
- 2.04. In their prayers, the petitioners requested the County Assembly to intervene into the matter and take necessary action against officers of the County Government who authorized the demolitions in total disregard of an existing Court Order. They also prayed that the County Assembly urges the County Government to restore the suit property to the status it was before the demolition by way of compensation.
- 2.05. Pursuant to Standing Order 202(2), the Committee was expected to consider the petition within sixty calendar days and respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the County Assembly. However, due to unavoidable circumstances, the Committee could not consider the petition within the statutory timelines.

- 2.06. The Committee resolved to inquire into the matter to unravel the truth behind the allegations raised in the petition and make appropriate recommendations. During the inquiry, the Committee met the stakeholders it identified as key to the petition apart from **Mr. Anish Doshi** the Director of Marashi Holdings who didn't honour Committee invitations and summons.
- 2.07. The Committee also conducted a site visit to the disputed land on Thursday, 19th March, 2015. The objective of the visit was to meet with the residents and to assess the situation with respect to the allegations raised in the petition.

3.3 COMMITTEE FINDINGS

1. Submissions by the Petitioners

The Committee met the petitioners on Monday 16th June, 2015. During the meeting, the petitioners stated as follows:

- i.) That they are residents of the area generally known as Embakasi Mradi and have lived and earned a living on the contested land, Reg. No. LR 9042/130 for twenty uninterrupted years. They occupied the land with the approval of the then Provincial Administration with the belief that it was owned by the defunct Nairobi City Council.
- ii.) That during the entire period of their occupation of the land, no person or institution claimed its ownership. In 2011, they applied for a title deed so that they can officially/formerly own the land. However, Mr. Anish Doshi the Director of Marashi Holdings emerged and claimed ownership of the land which prompted the petitioners to seek Court redress which matter is yet to be determined.
- iii.) That whereas the Court issued an order barring any parties from continued development or interfering with the suit properties, on 25th February, 2015 Marashi Holdings with the blessings of the County Officials and the support of the local police went ahead and demolished structures owned by the Petitioners.
- iv.) That their efforts to acquire official ownership documents (allotment letters) for the land have been frustrated by County officials.

v.) That the Committee should intervene and ensure that the Court Order is upheld, their structures are re-built and action taken against County Government officials who authorized the demolition of their buildings.

2. Submissions by the County Executive officials.

The Committee held a meeting with the **County Executive Committee (CEC) Member and the Chief Officers responsible for Urban Planning and Lands**, the Chief Officer Security, Compliance and Disaster Management, the Assistant Director in charge of Planning, Compliance and Enforcement and the Director in charge of Inspectorate on 15th April, 2015. In addition, the Chief Officer, Urban Planning and Housing submitted written submissions to the Committee vide letter **Ref. UP & H/PCED/00057** dated 15th April, 2015. The Chief Officer, Lands further submitted written submissions vide letter **VAL.228/VB1236/A/17/GKM/lgm** dated **3rd March, 2016**. Arising from the meeting and the written submissions, the Executive officials informed as follows:

- i) That according to the records, the land in contestation is owned by Marashi Holding Ltd. of P.O Box 21062 Nairobi for a term of 99 years with effect from 1st July 1988. The property was allocated by the Government of Kenya on 16th February, 1999.
- ii) That demolition of the structures was undertaken on 25th February, 2015 after enforcement notice Ref 958 had been issued by the Director Planning, Compliance and Enforcement on 3rd February 2015.
- iii) That the County Government at the time of the demolition was not aware of any existing Court Order barring the demolition. The demolition was based on the fact that the structures and the constructions lacked the required approvals by the County Government as reported by Mr. Anish Doshi vide the letter Ref. MAR/001/2015 dated 30th January, 2015.
- iv) That since the matter was in Court, the Court should be able to interpret whether the action to demolish the structures was in contempt of Court.

3. Committee's site visit findings

The Committee held a site visit to the land under dispute on 19th March, 2015. However, the agitated residents who were aggrieved by the demolitions held demonstrations prompting the Police to disperse them for security reasons. However, the Committee hurriedly established that the old structures on the land had been demolished while the developer had constructed new structures.

4.0 COMMITTEE'S OBSERVATIONS

After making an analysis of the submissions made by all the stakeholders and from the site visit, the Committee observed as follows;

1. That the petitioners occupied the Land Reg. No. LR 9042/130 twenty (20) years ago and although nobody claimed ownership of the said land, they didn't have ownership documents. It's therefore not clear under what circumstances they occupied the said land.
2. That the land in contestation was allocated to Marashi Holding Ltd in 1999 by the Government of Kenya for a lease term of 99 years with effect from 1988. This was a time when the petitioners had already settled on the said land.
3. That when the petitioners sought to acquire ownership documents in 2011, Marashi Holdings claimed ownership of the land, necessitating the petitioners to seek Court redress. However, Marashi Holdings with the assistance of the County Officials evicted the petitioners in disregard to an existing Court Order barring both parties from continued development or interfering with the suit properties.
4. That as to who is the legitimate owner of the land is a matter for determination by the Court and the National Land Commission.

5.0 RECOMMENDATIONS

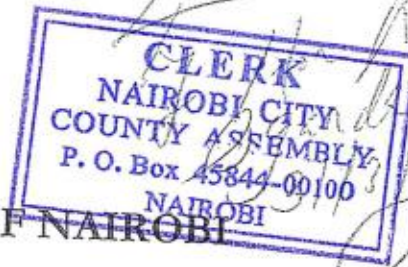
In view of the above, the Committee makes the following recommendations;

1. That both parties should wait for the Court to determine the legitimate owners of the Land Reg. No. LR 9042/130. However, irrespective of the ruling, the County Government should when implementing the decision of the Court, consider the welfare of the petitioners due to their vulnerability.
2. That the Petitioners should be allowed to resettle on the contested land pending determination of the Court case. The County Government and Marashi Holdings should facilitate resettlement of the Petitioners by way of building the structures demolished. In addition, officers who authorized demolition of the said structures in due disregard of a Court Order barring the same should face disciplinary action to deter future occurrence.
3. The County Government should develop a policy/law on sale/allocation of County owned land.

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ANNEX I: Minutes

ANNEX II: Copies of Papers laid by various witnesses



COUNTY GOVERNMENT OF NAIROBI
FIRST ASSEMBLY
(THIRD SESSION)
THE NAIROBI CITY COUNTY ASSEMBLY

[PUBLIC PETITION PURSUANT TO STANDING ORDER 195]

BY RESIDENTS OF EMBAKASI MRADI REGARDING THE DEMOLITION OF THEIR STRUCTURES ON LAND REG. NO. LR 9042/130 DESPITE A COURT ORDER BARRING THE SAME

WE, THE UNDERSIGNED citizens of Kenya who are residents of Embakasi Mradi in Nairobi City County,

DRAW the attention of the Nairobi City County Assembly to the following;

THAT aware that the Constitution of Kenya under Article 37 and 118, and Section 15 and 88 of the County Government Act, 2012, provide the right for citizens to petition the Authorities or the County Government on any matter;

THAT WHEREAS as residents in the area generally known as Embakasi Mradi, we have lived and earned a living from the piece of land registration number LR 9042/130 for twenty years uninterrupted, and applied to acquire title to the land in 2011 having never been a claim from any persons nor institutions for the said period of our occupation;

THAT WHEREAS an establishment by name Marashi Holdings Ltd emerged to counter our claim of title on account of ownership of the land, despite never having at any time registered objections to our open and notorious occupation of the said property for twenty years, upon which we sought redress from the Courts on account of adverse possession, which case is still active in Court;

THAT WHEREAS despite having launched an adverse possession claim pursuant to Section 7 of the Limitation of Actions Act (Cap 22) Laws of Kenya, and obtaining a Court Order barring any parties from continued development or interference with the suit property, Marashi Holdings Ltd went ahead and had our structures demolished on 25th February, 2015 without as much as formal or legal notice whatsoever, in total breach of the existing Court Order;

THAT WHEREAS the Court order specifically restricts Marashi Holdings Ltd from alienating, fencing, demolishing or interfering with the suit property in any way but was blatantly disregarded, leaving residents in the cold and with nowhere else to seek further recourse since the demolitions were authorized by the County Government and overseen by Nairobi PPO, a Mr. Benson Kibue and Nairobi City County Chief Officer responsible for Security, Compliance and Disaster Management, one Mr. Francis Munyambu;

AND WHEREAS we have endeavored to obey the Court Order and halted any further developments on the said property, but now feel disadvantaged by the impunity and reckless actions on the part of Marashi Holdings Ltd;

NOW THEREFORE your humble petitioners **PRAY** that;

- i) The Nairobi City County Assembly intervene in the matter with a view to investigate and take necessary action against officers of the County Government who authorized the said demolitions in total disregard of an existing Court Order; and
- ii) That the Nairobi City County Assembly intervenes in the matter with a view to ensuring that the County Government of Nairobi restores the suit property to the status it was before the demolitions by compensating residents for the loss of property occasioned by the illegal demolition.

And your humble **PETITIONERS** will ever pray.

NAIROBI CITY COUNTY ASSEMBLY

Telegraphic Address
Telephone (+254) 711 163 460
Email: kathuu@gmail.com
Web: www.nrbcountyassembly.go.ke



County Assembly
City Hall Buildings
P O Box 45844-00100
Nairobi, Kenya

THE HON. MICHAEL OGADA, MCA

30th March, 2015

The Hon. Alex Ole Magelo, MCA
Speaker,
Nairobi City County Assembly,
City Hall Buildings,
P O Box 45844-00100,
NAIROBI.

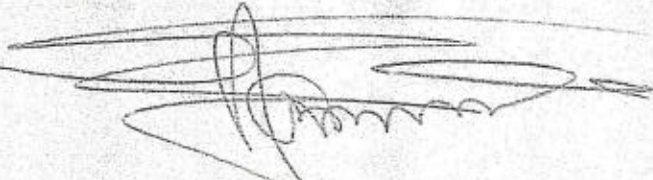
Dear

RE: PRESENTATION OF PETITION ON BEHALF OF EMBAKASI RESIDENTS

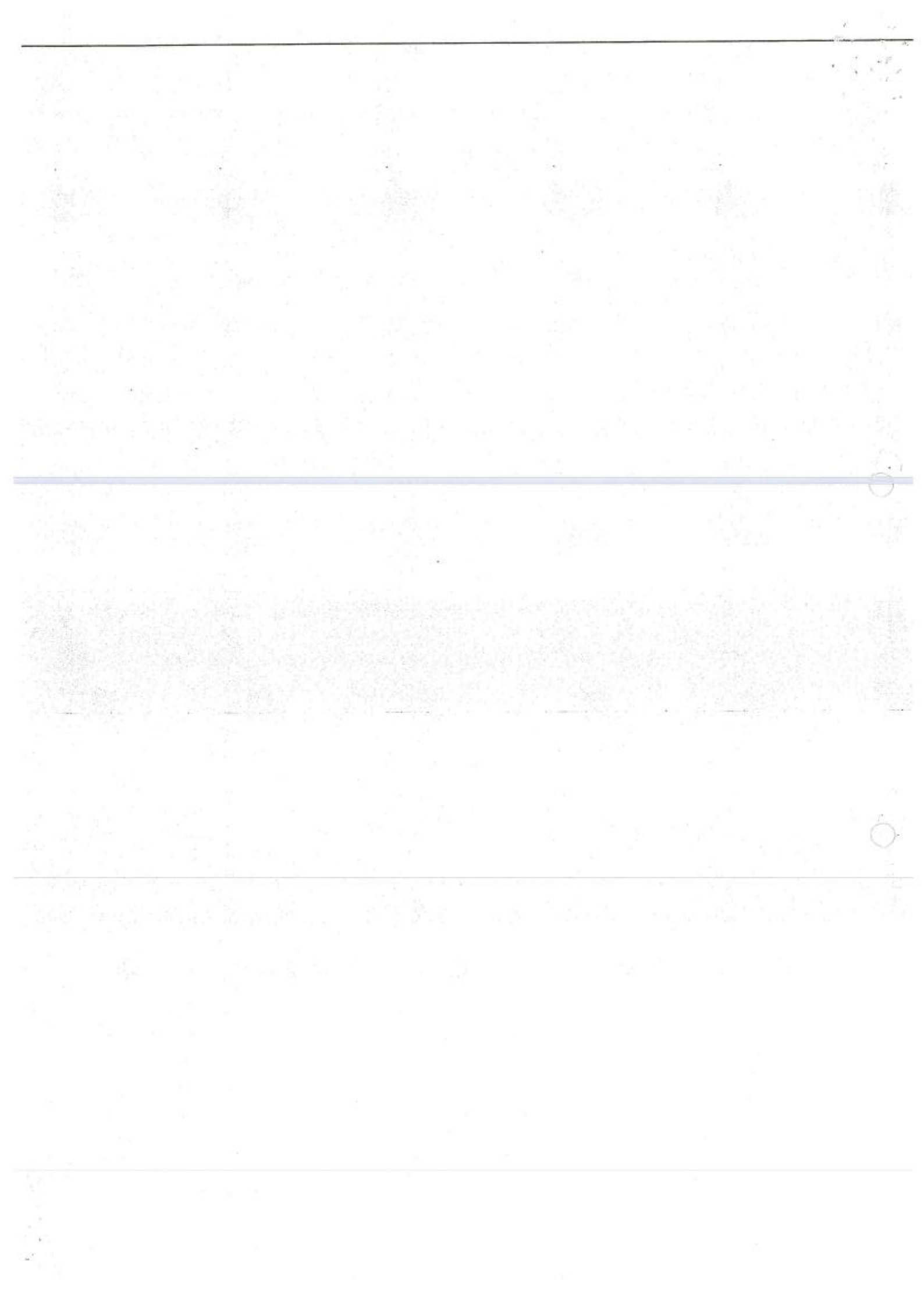
This is to seek your permission to allow me present the attached petition on behalf of Embakasi Mradi residents.

Please accept the assurance of my highest consideration.

Yours


THE HON. MICHAEL OGADA, MCA
MEMBER FOR EMBAKASI WARD

*Approved
by Speaker
J. O. Ogun
3/3/15*



NAIROBI CITY COUNTY ASSEMBLY
OFFICE OF THE CLERK
TABLE & JOURNALS
26 MAR 2015
SIGN
P.O. Box 45844-00100 NAIROBI
Tel:020-2216151

EMAKASI MRADI RESIDENT
NAIROBI KENYA
23/3/2015



*Castro m/c.a
urgently elect
and have it
presented by
Hon. Oganda
25/3/15*

TO THE CLERK
NAIROBI COUNTY ASSEMBLY
NAIROBI COUNTY

RE:PETITION ON DEMOLITION AND DAMAGE OF PROPERTY.

Dear Sir,

The above subject refers,

We the residents of Embakasi mradi area occupants of plot LR: 9042 | 130 wish to register our complain to your office as follows;

We have been occupants of the suit land for approximately 20 years uninterrupted. At the time we occupied the land, we assumed that the property belonged to either the city council of Nairobi or the government since nobody interfered with our entry into the property.

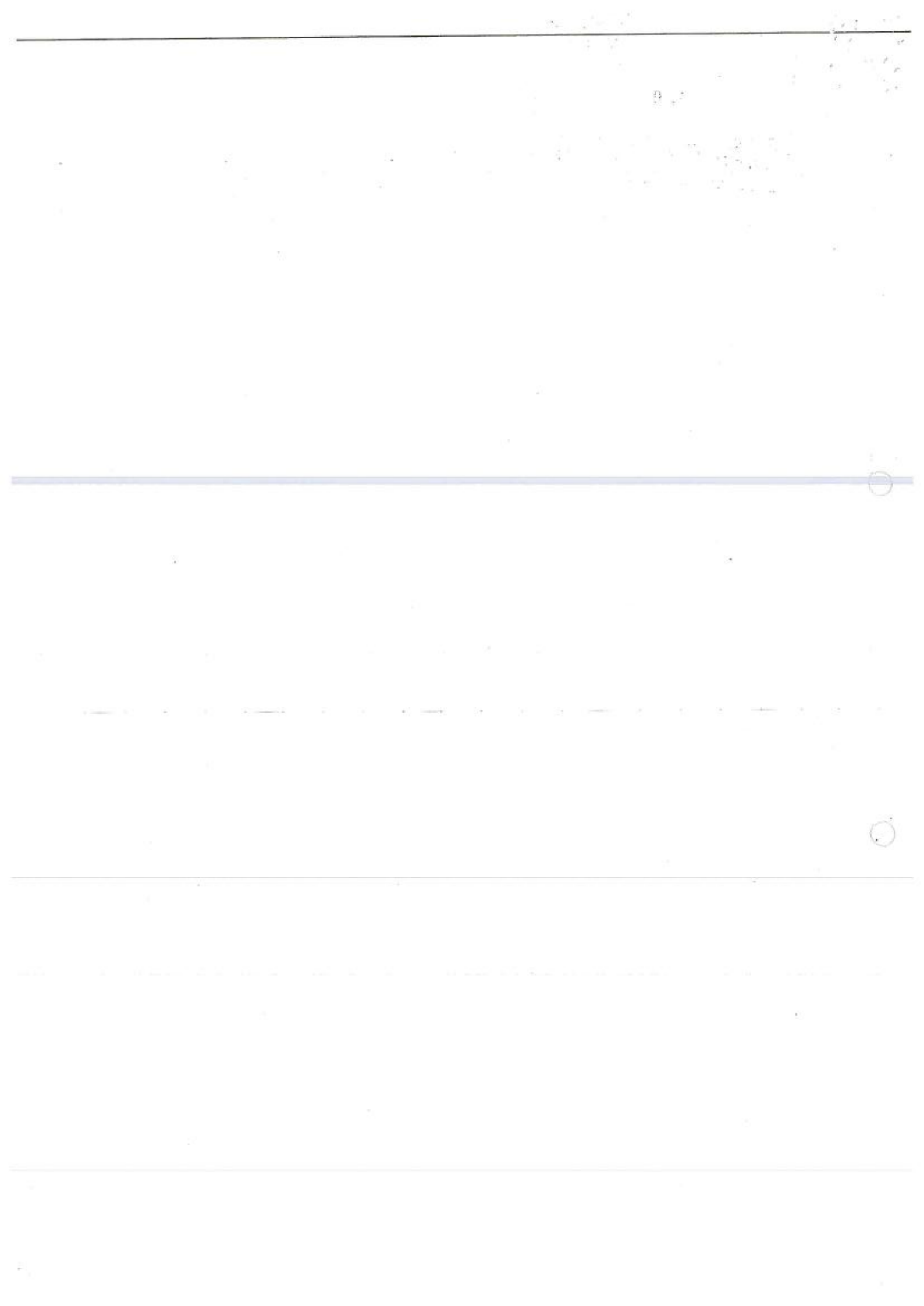
Sometime in the year 2011,we embarked on the process of acquiring the title deed for the property and that is when we were informed that the land had an owner by the name MARASHI HOLDINGS LTD who had not showed up before all this period. We had developed our structures some of which were storey buildings in their fourth floors and some mabati structures.

Since the land had been allocated,we had developed and lived in it for approximately 20 years.We were advised by our lawyer to start a court process (adverse possession) to acquire the land. We took the matter to court where we are to date for ownership determination.

We have a temporary order registered against the title as indicated in our search conducted last week at the lands registry(attached is the copy of the same), the case no is 665 of 2011 (copy attached) directing the owner to maintain the status quo till hearing and determination of the suit.

Specifically the order restricts the defendant (MARASHI HOLDINGS LTD) from Evicting, Alienating,Fencing, Demolishing and interfering with the suit property till determination of the matter before court. There is another court order ELC544 of 2013 against the city council of Nairobi restricting the council from demolishing or evicting the occupants of the land in question.

Sir,we were therefore taken by surprise on the 25/02/2015 when without any formal or legal notice whatsoever, bulldozers escorted by Nairobi city askaris in the presence of council vehicle registration numbers KAW 693Z, KAW 694Z, KAW 695Z, KBG 273G and KAM 082T and the area police force



commanded by the OCPD embakasi MR. APOLLO ONYONI, came and started demolishing our houses.

We wish to state here that after desperate attempts to prove our legal rights to be in the said suit land by producing the existing court orders, the OCPD refused to take or even have a look at the court orders saying that he had received instructions from the Nairobi city county executive office, The PPO Nairobi, and the city lands and planning department. He suggested that we don't disturb him with the orders, instead we enquire from the county government

Accordingly, we as the mradi area residents wish to state as follows:

- 1) That unconfirmed information we have gathered is that the owner realised he could not win the legal battle in court and therefore used corrupt city county officials to demolish our houses on pretext that our structures were illegally erected. We want to state that your county officials never asked the residents to produce the approved building plans and therefore we cannot understand how or why your office assumed that the structures on the suit land were illegally erected. However, it is alleged that the purported suit land owner bribed both the city county officials and the national police with a whopping Ksh30 million to oversee and provide security to facilitate the demolition.
- 2) We wish to state categorically that in this time and age court orders must be respected or Obeyed by all parties, foreign or domestic, mighty or marginalised. With utmost respect for the Kenyan judicial system, we had respected the court order until it was disrespected, violated and trashed by the county government with protection from the national police service led by the Nairobi PPO mr kibue.
- 3) That we were betrayed by the county government which we elected with high hopes, confidence and trust that they will lead by example by enforcing the law and the court rulings. As Nairobi county voters, we demand that law be enforced, followed and that court orders in the subject matter be obeyed by all county officials, national police service, the defendant and the plaintiffs.
- 4) That as the Nairobi county assembly whom we elected and respect, you will investigate, take necessary measures and respond to the desperate embakasi mradi residents who are still languishing in the cold with their children in inhumane manner. It is also expected by the said resident that you will take action against the filthy corrupt county officials involved in the illegal exercise and that you will use your expertise and understanding of the law to order the immediate restoration of our plots until the court dispute is heard and determined.
- 5) Finally as the residents who are affected, we would suggest that your assembly which is an independent authority summons the Nairobi PPO, Nairobi city county inspectorate heads, OCPD and OCS embakasi and all those who were involved in the illegal exercise to appear before it and explain to members on whose orders or instructions they acted upon.
- 6) Sir we look forward to have your assembly sort out the matter amicably and expeditiously to help restore confidence to the county government.

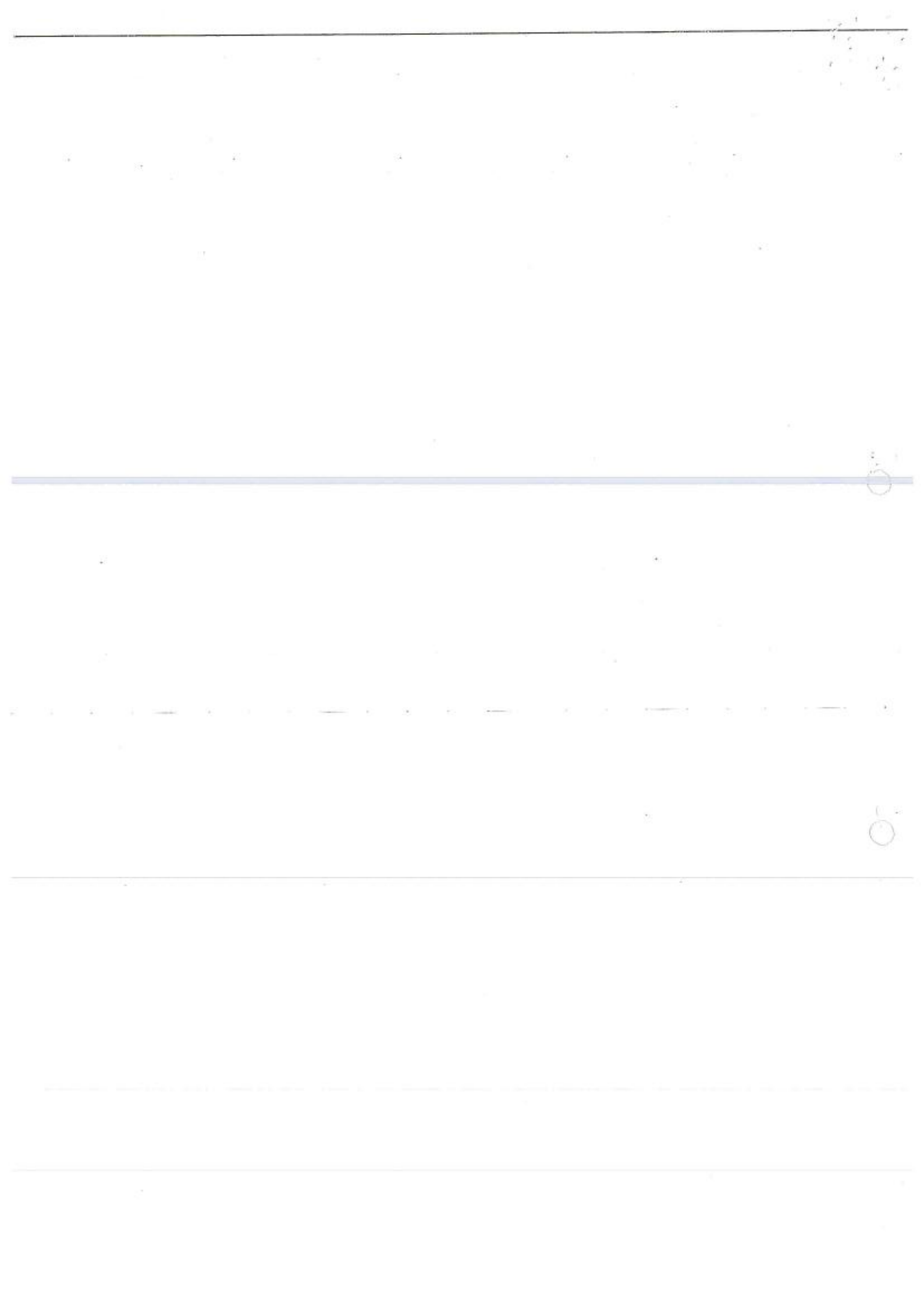
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Signed by residents representatives.

1) Nick omondi owango *[Signature]* - 14 664 16 9 - 135 35-0010 N
2) Jenkins Mochama *[Signature]* - 13 663 87 9 - 135 35-0010 N
3) Allan Wacheke *[Signature]* - 14 60 80 7 9 - 135 35-0010 N
5) Harrison chege iguthi *[Signature]* - 12 832 52 1 - 135 35-0010 N
6) Philip Kagunda *[Signature]* - 43 470 79 - 135 35-0010 N





REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: NUMBER I.R. 49086

ANNUAL RENT: Kshs. 37,600/-

TERM: 99 Years From 1.7.1988

(REVISABLE)



£ 602
8
16/2

DEPARTMENT OF LANDS
DOCUMENT EXAMINED

KNOW ALL MEN BY THESE PRESENTS that in consideration of the Sum of Shillings One hundred eighty-eight thousand (Kshs. 188,000/-) by way of Stated Premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto Marashi Holdings Limited a Limited Liability Company having its registered Office at Nairobi (Post Office Box Number 21062)

(hereinafter called "the Grantee") ALL that piece of land situate in the City of Nairobi in the Nairobi Area ~~Extent~~ containing by measurement One Decimal Nought Nought Nought (1.000) hectares ~~or~~ thereabouts that is to say L.R. No. 9042/130

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 143778 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of Ninety-nine (99) years from the

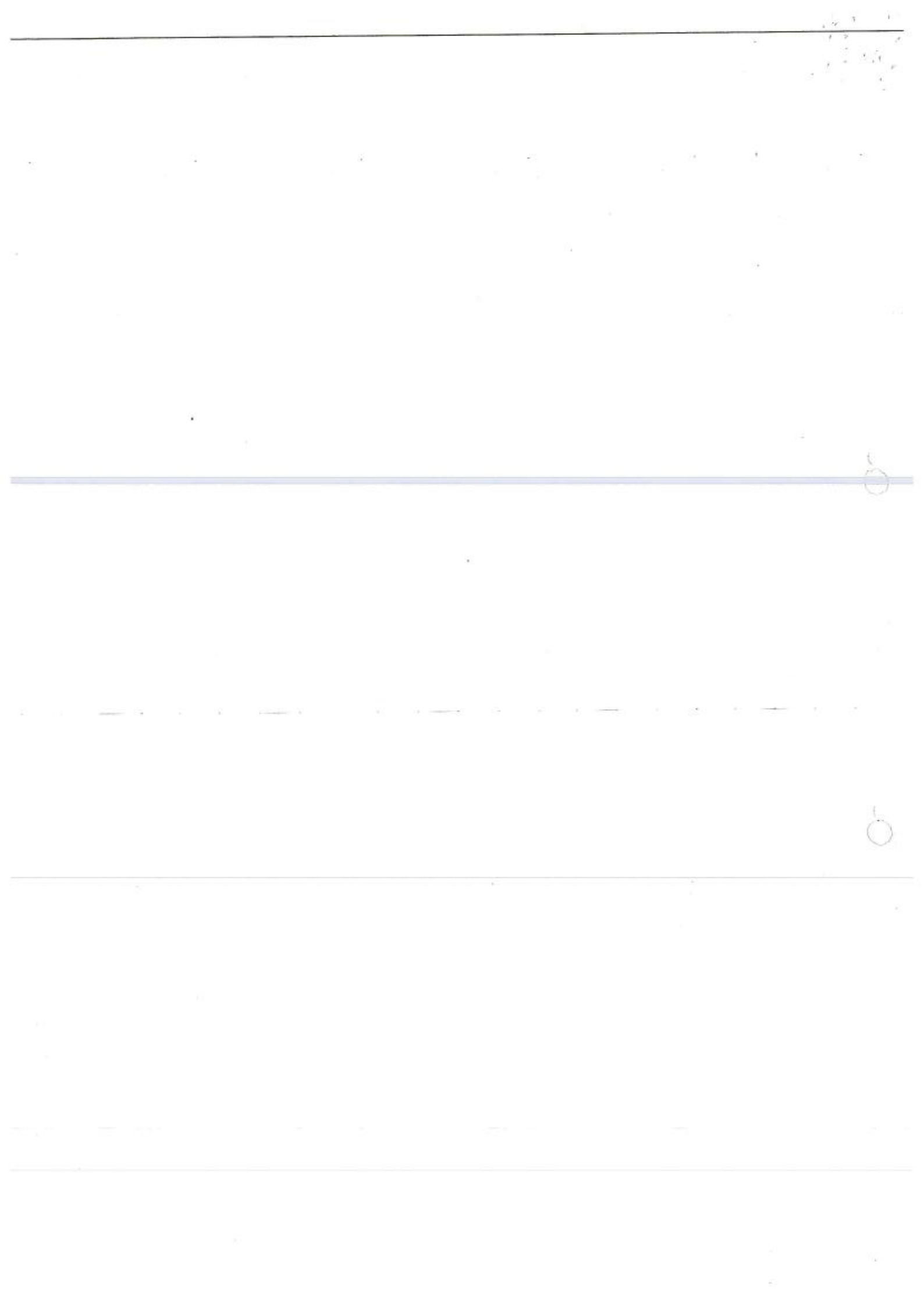
First day of July One thousand nine hundred and

Eighty-Eight SUBJECT to (a) the payment in advance on the first day of January in each

year of the annual rent of Shillings Thirty-Seven Thousand Six Hundred (Kshs. 37,600/-)

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]



SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
 2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and surface water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
 3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
 4. Should the Grantee give notice in writing to the Commissioner of Lands that it is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
 5. The land and the buildings shall only be used for inoffensive industrial purposes with ancillary offices and Stores.
 6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
 7. Accommodation not exceeding square metres may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
 8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
 9. The Grantee shall not subdivide the land, without the prior consent in writing of the Commissioner of Lands.
 10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
 11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
 12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
 13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
 14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
 15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
 16. The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty-third and sixty-sixth years of the term hereby granted. Such rental will be at the rate of per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.
- ~~XXXXXXXXXXXX~~
16. The Commissioner of lands reserves the right to revise the annual ground rent payable on the 1st January, 1959 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1958 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.

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REPUBLIC OF KENYA

DISTRICT OF NAIRUBI AREA

Land Reference No. 9042/130

Locality City of Nairobi

(Orig. No. _____)

Reference Map *South. A. 372*
G. 11-d

Sub division No. _____ (Orig. No. _____)

of Section No. _____

Area = 1.000 Ha. (Approx.)

Bearings				Distances Metres
1	2	3	4	

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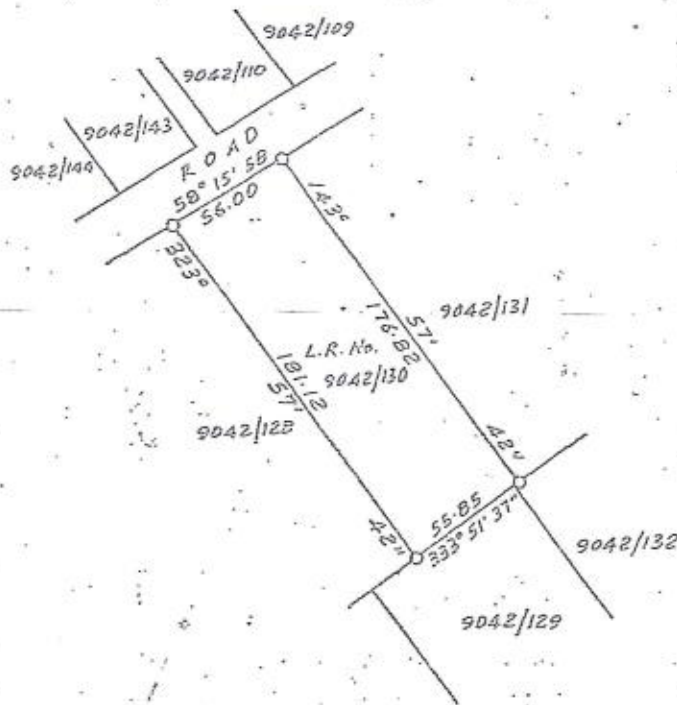
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Lands



[Signature]
for Director of Surveys

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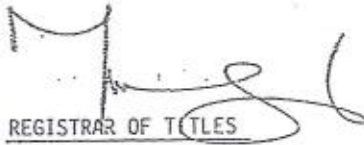
Nairobi 15th February 1950



IN WITNESS WHEREOF I, WILSON GACANJA
The Commissioner Of Lands have by order
of the President hereunto set my hand this

Sixteenth day of February

One thousand nine hundred and Ninety
in the presence of:-



REGISTRAR OF TITLES

REGISTRATION OF TITLES
REGISTRATION OF TITLES
REGISTRATION No. 49086/1
Presented 16th February 90
Time 11.50 hrs. *Amending*
Signature of Clerk

*Mr entry to be
made copy with c/c
A 7/3/70*

522

10/02

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Deed of Variation of Special Conditions
No. 2 and 4.

(2)

Presentation No. 522 Date of Registration 11.10.2002



Registrar

S. S. Biranda 031

200
5/2012

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST
Court order E.L.C Case No 665 of 2011 (as)
dated 7th December 2011 - the High Court of
Kenya at Nairobi pending the hearing and
determination of the suit the status quo currently
obtains & remains unchanged

3

Presentation No: 275 Date of Registration: 24-5-2012

I hereby certify this to be a true copy
of the original

W. M. Mwangi 265

STATE ARCHIVES
KENYA

0006
2015
Date 11th March 2015

Retimungu

C. N. Kitanyi 215

FOR OFFICIAL USE ONLY

~~THE UNDERMENTIONED PRESENTOR.~~

The documents presented for registration are returned herewith together with.....

I am unable to register

Please refer to the conditions appertaining to rejections overleaf.

I am, Sir(s),

Your obedient servant,

Registrar

DESPATCHED

RECEIVED

TRIPPLICATE

The Conditions on the Back of this Form shall be Complied with
REPUBLIC OF KENYA

APPLICATION FOR REGISTRATION

of the undermentioned documents in the following order of priority:—

Date of Documents	Description (1)	Land Reference Number (2)	Title Deed File Number (3)	Fee (4)	For Official Use only
1/12/2011	Court Order	9042/130	49086	Sh. 500	2126
Number of new certificates of title required at Sh. 125 each
Adhesive revenue stamps affixed hereto to the value of


The following documents are enclosed for endorsement:—(5)

Grant No. _____ Certificate of Title No. _____ Lease No. _____
The following supporting documents are also enclosed:—(6)

- Clearance Certificate
 "Registration Copy" of Divisional Land Board Consent
 "Registration Copy" of the County Council's/Commissioner's Consent
 Valuation forms
 Land Rent Certificate
- TWO ORIGINAL COURT ORDER'S ENCLOSED

The following consents are endorsed on the documents:—
 Commissioner of Lands or the Chief Engineer, Kenya Railways under the terms of the Grant Charge to surrender of lease under section 44 of the Registration of Titles Act (Cap. 281)

Special instructions, including, if necessary, the name and address of the persons to whom the documents are to be sent if other than the presentor:—

Signature: 
 Name in Block Capitals: Kamunje Gichini
 Postal Address: BUNGLOS MATWBI

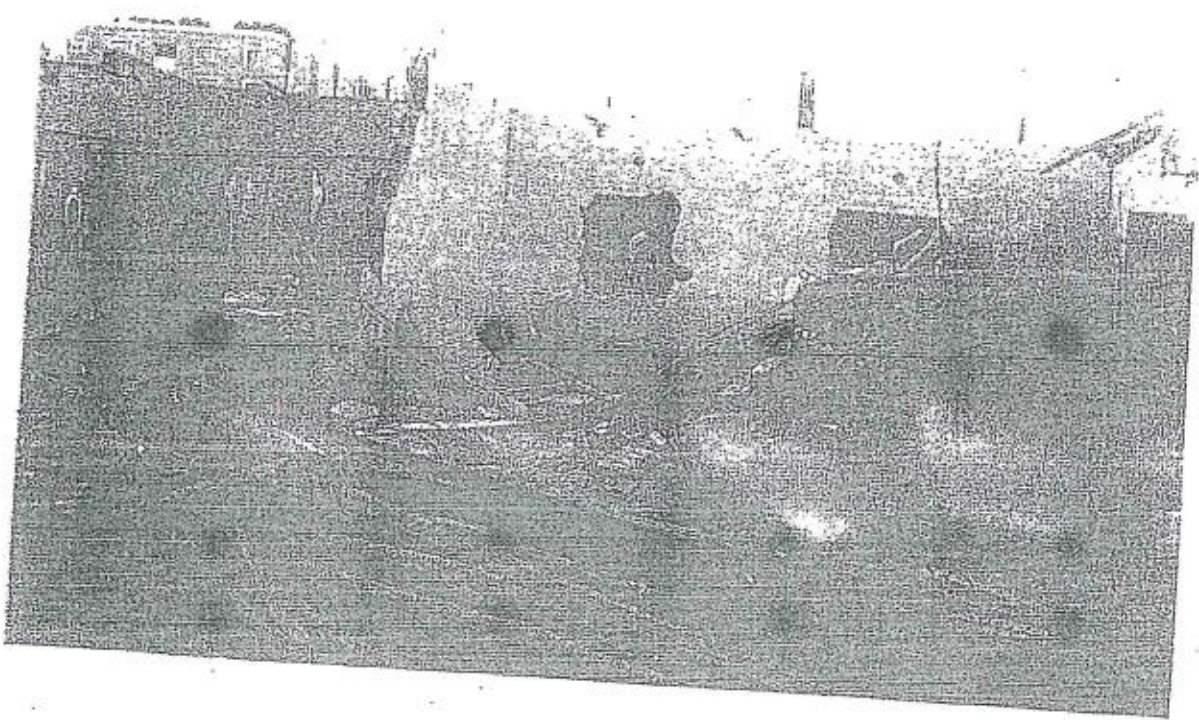
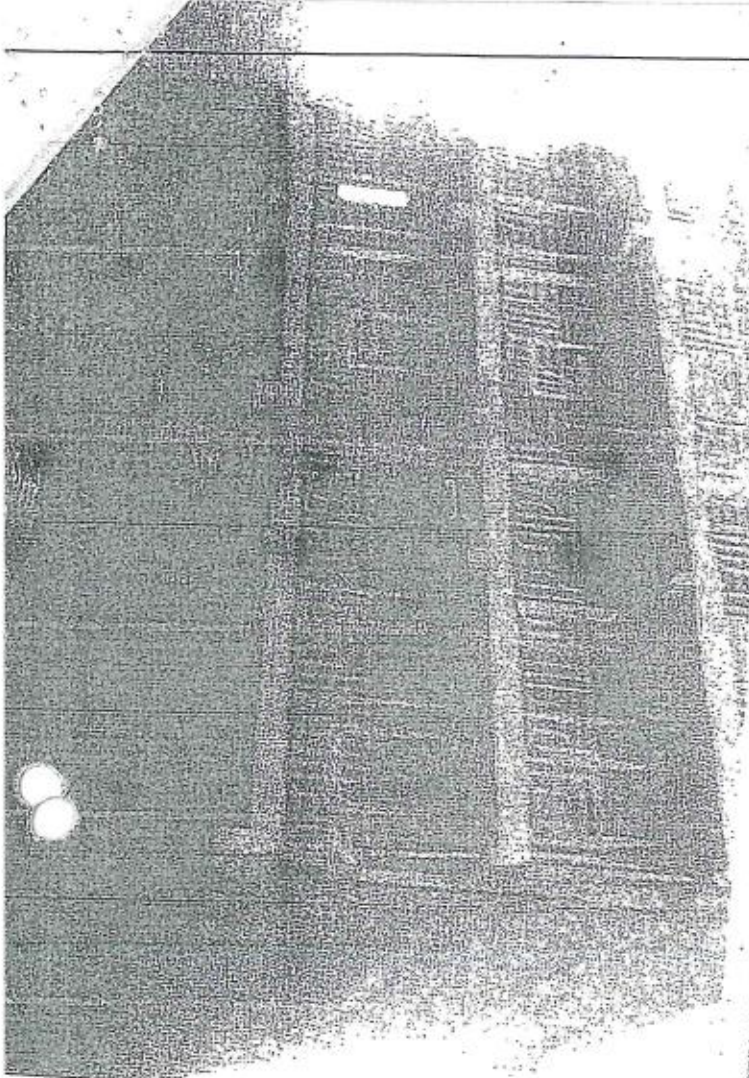
Date: 2/15 2012

TO BE SUBMITTED IN TRIPPLICATE

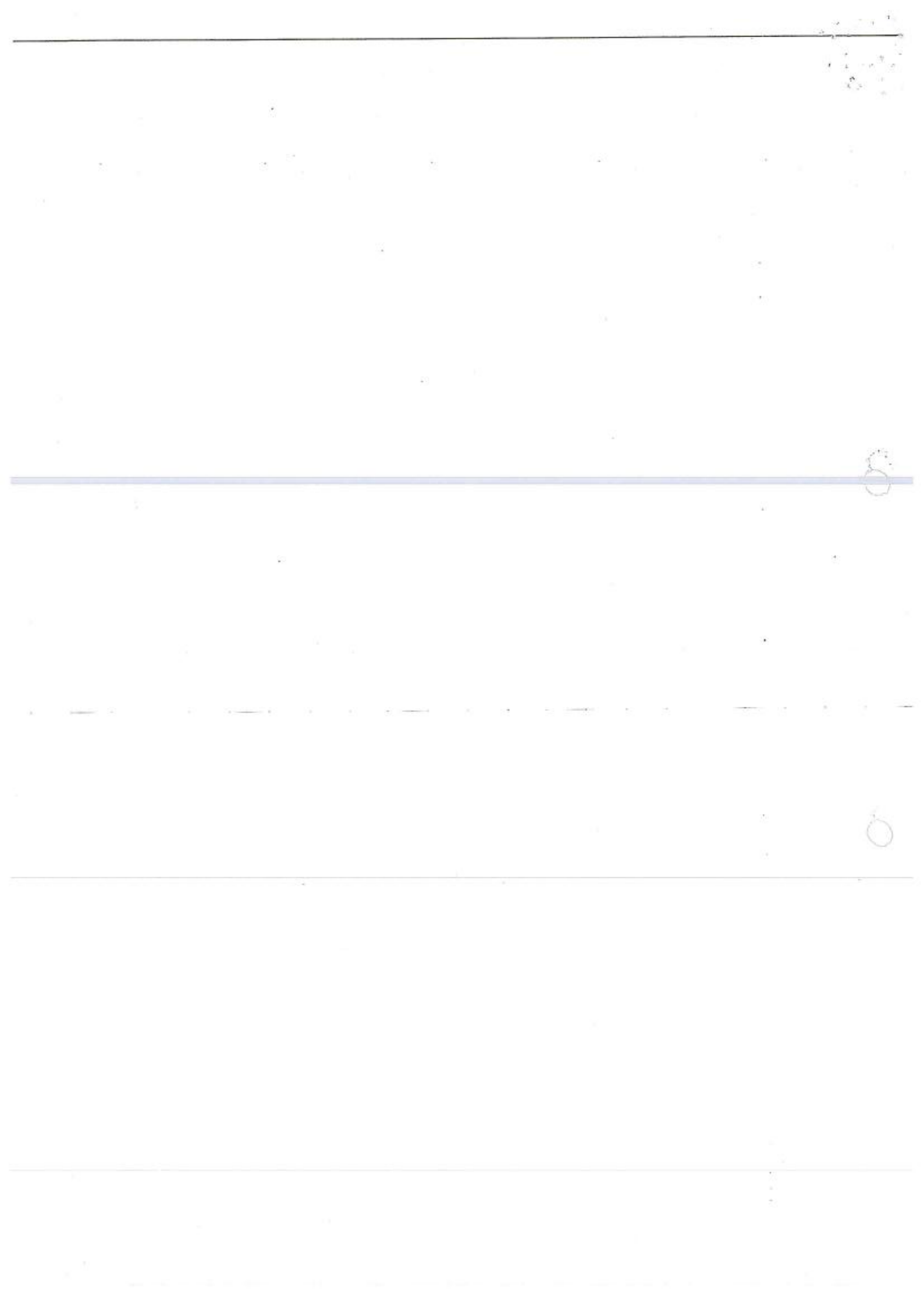
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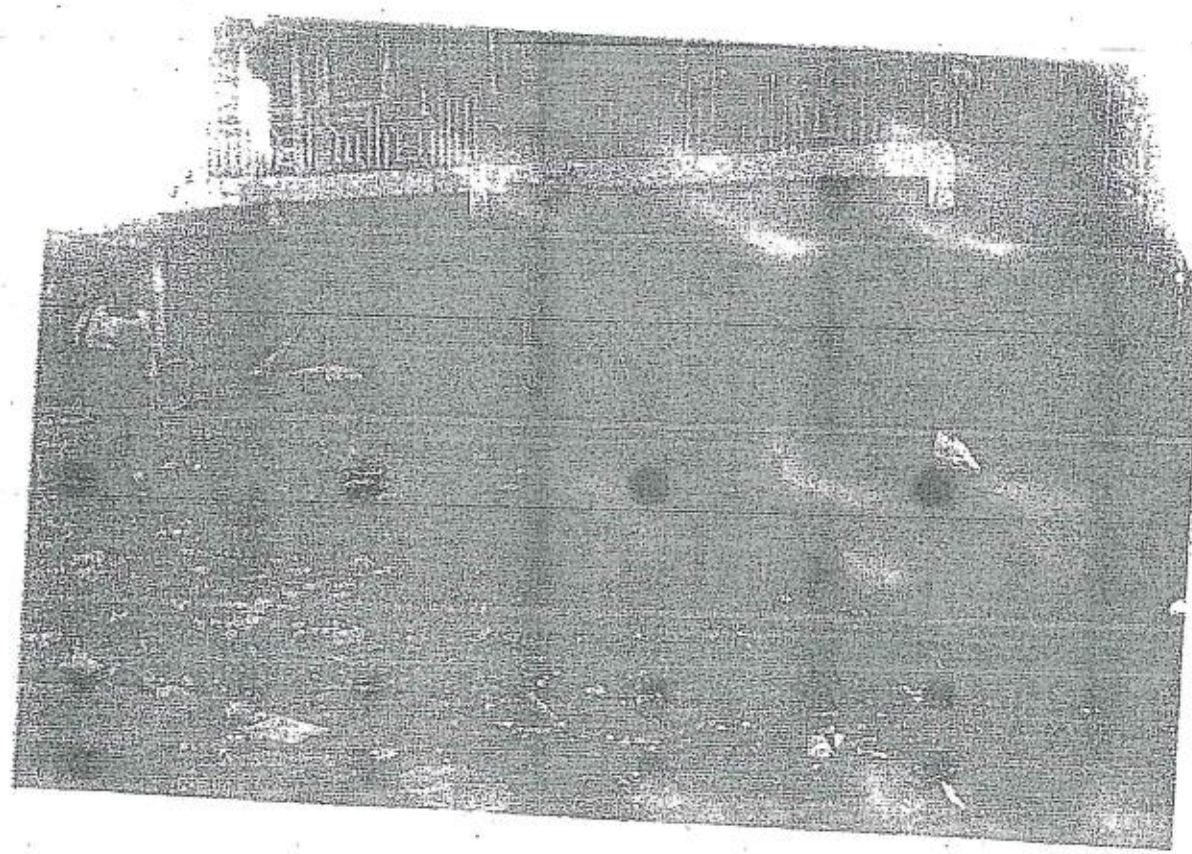
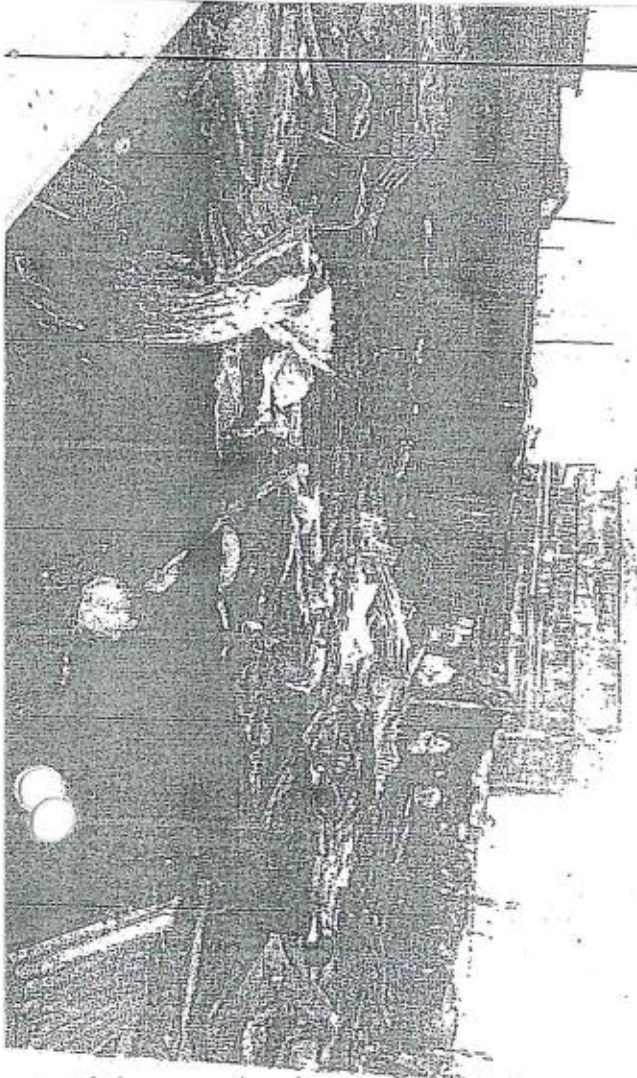
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Handwritten mark resembling a circle or '0' on the right side of the page.

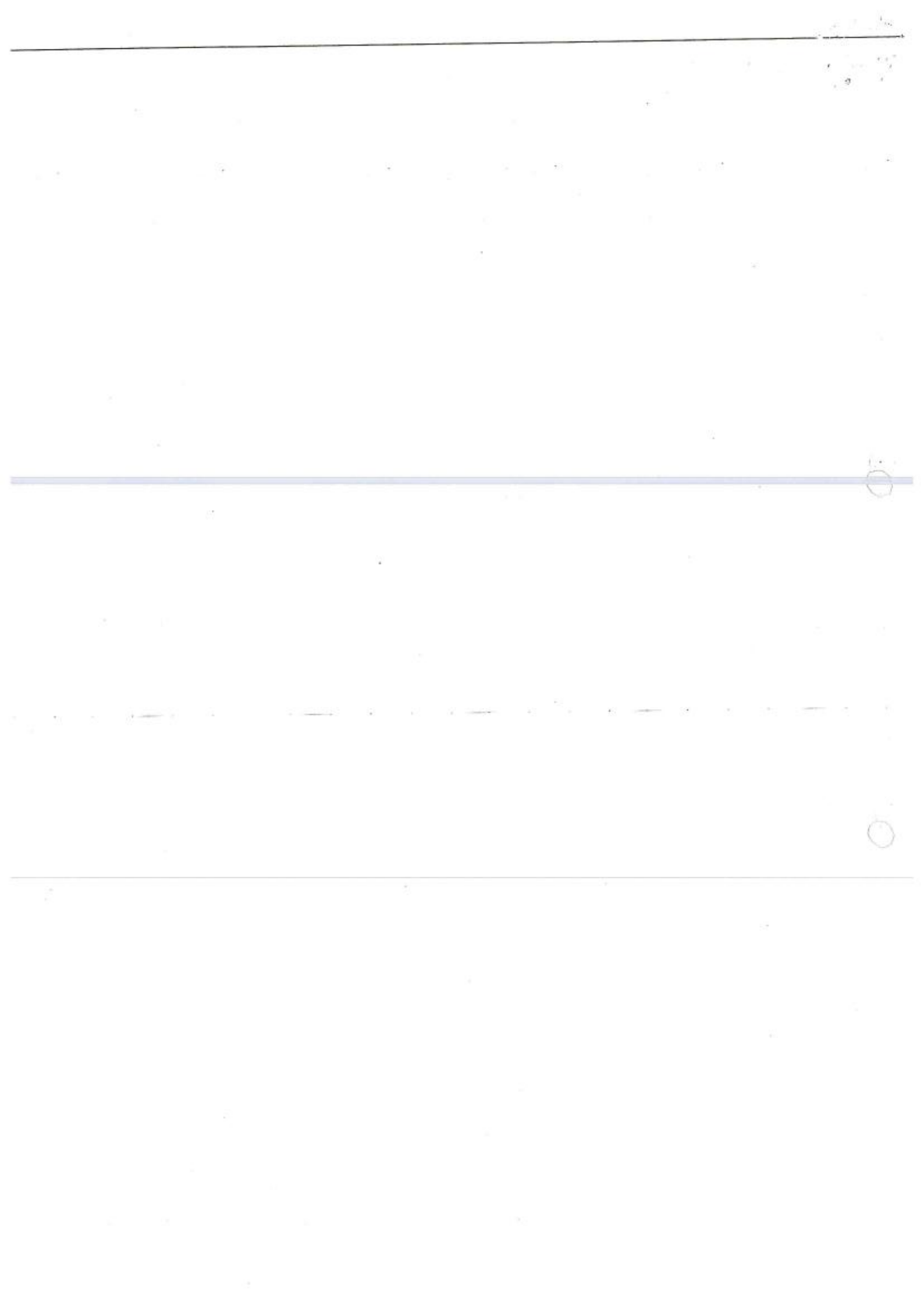


8





8



REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE COURT AT NAIROBI
MILIMANI COMMERCIAL COURT
CIVIL CASE NO.544 OF 2013

NICK OMONDI OWANGO & OTHERS PLAINTIFFS
VERSUS
CITY COUNCIL OF NAIROBI DEFENDANT

ORDER

UPON READING the application presented to this court on 8th day of February, 2013 by the advocate for the Plaintiffs/Applicants and supported by the affidavit of NICK OMONDI OWANGO herein sworn on the 7th day of February, 2013.

AND WHEREAS the application coming for ex-parte hearing on the 8th day of February, 2013 before Hon S. Atambo. (Ms.) Principal Magistrate in the presence of the counsel for Plaintiffs/Applicants and in the absence of the advocate for the Defendant/Respondent

AND UPON HEARING the said counsel

IT IS ORDERED

1. THAT the application herein be and is hereby certified as urgent.
2. THAT a temporary injunction be and is hereby issued restraining the Defendant from evicting the Plaintiff's from the parcel of land known as L.R. No. 9042/130 (Suit land) or from demolishing or fencing in the Plaintiff's building or interfering with the Plaintiff's possession of the same or alienating, transferring, disposing off or dealing with the suit land in any manner whatsoever pending interparties hearing of this application
3. THAT Applicant to serve for inter-parte hearing on 21st day of February, 2013

GIVEN under my hand and seal of this court on the 8th day of February, 2013.

HON S. ATAMBO. (M/S)
PRINCIPAL MAGISTRATE

ISSUED at Nairobi this

12th

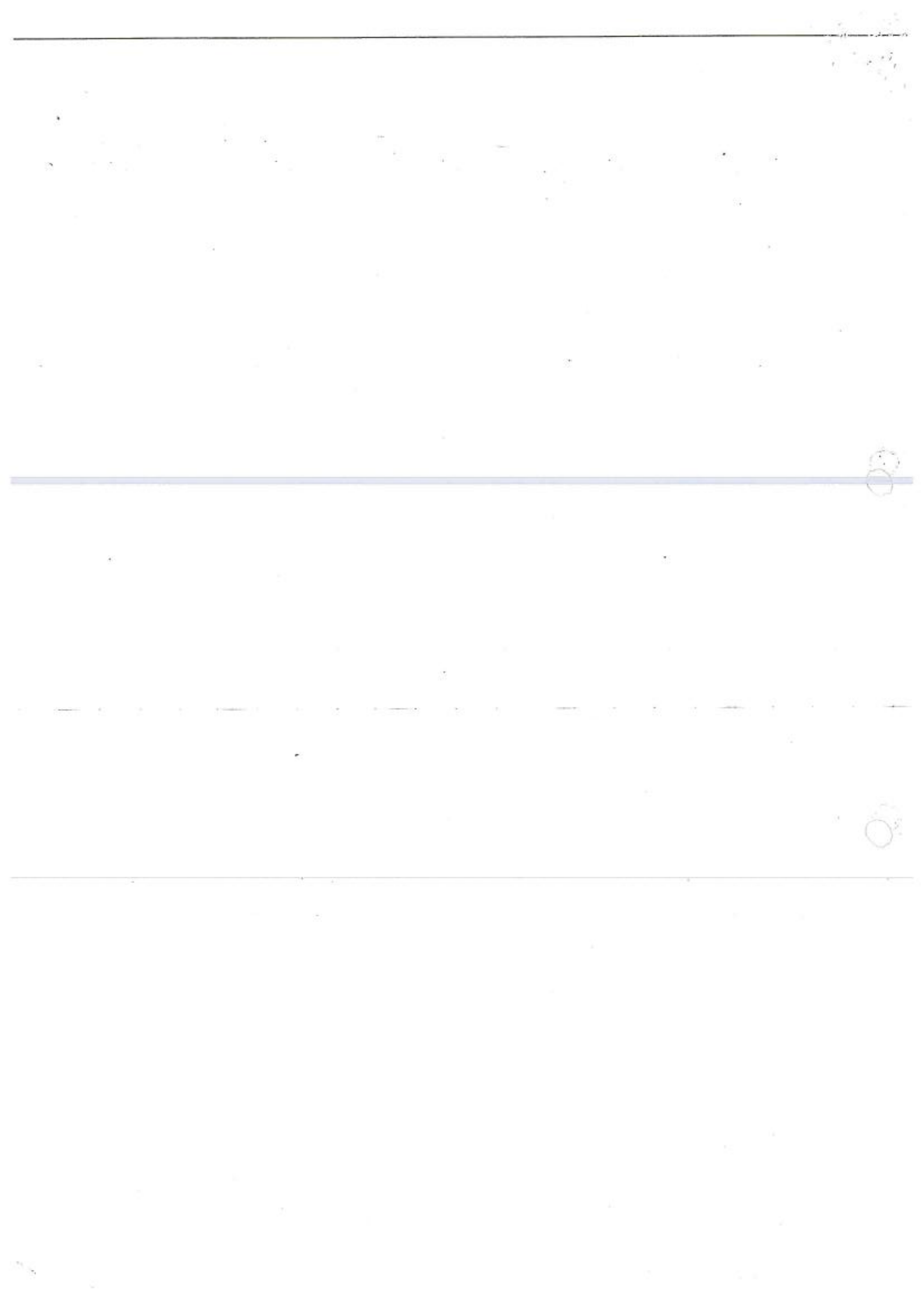
day of February, 2013

PRINCIPAL MAGISTRATE

PENAL NOTICE

TAKE NOTICE that any disobedience or non-observance of the order of the court given on the 8th day of February, 2013 served herewith will result in penal consequences to you and any other person(s) so disobeying and not observing the same.

AND FURTHER that if this order is not obeyed, an application shall be made citing you and any other such person (s) so disobeying for contempt of Court seeking therein your detention and other punishment for you and such person(s) together with any remedy available in law



NAIROBI CITY COUNTY

Telephone: 020 344194

web: www.nairobi.go.ke



City Hall,
P. O. Box 30075-00100,
Nairobi
KENYA.



OFFICE OF THE GOVERNOR COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE

REF: UP&H/PCED/00057

15th April 2015

Clerk
Nairobi County Assembly
Nairobi

RE: PROPOSED DELIBERATION ON DEMOLISHED STRUCTURES IN PLOT L.R. NO. 9042/130 - EMBAKASI

The matter refers to your letter of 7th April 2015 ref. no. NCA/SC.PHC/2015/ (75). Pursuant to this letter, the Sectoral Committees on Planning and Housing; Justice and Legal Affairs requested for a meeting on 15th April 2015 to deliberate on the matter.

This is to acknowledge the fact that the demolition was undertaken on 25th February 2015 after enforcement notices had been issued by our officers on 3rd February 2015. The notices were subsequent to a complaint letter by M/S Marashi Holdings Ltd (copies attached).

The demolition was purely on account of non-approvals by Nairobi City County. To date, no evidence of such approvals has been presented to Nairobi City County.

A handwritten signature in black ink, appearing to read 'R.K. Muema'.

R.K. MUEMA (MRS)
COUNTY CHIEF OFFICER (UP&H)
FOR: COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE

Encl.

C.A - Planning
C.A - Justice
Take before the
Committee in today's
deliberation with the
Executive. Ensure you
Invite the Area M.C.A to
the meeting.
AAO/ty
15/4/15

MARASHI HOLDINGS LTD

P. O. BOX 82271, MOMBASA, KENYA TEL: 020-2335652/3/4/2490000 FAX: 2496075

Our Ref: MAR/001/2015

30th January, 2015

The Director Planning,
Compliance and Enforcement,
Nairobi City County,
City Hall,
NAIROBI.



*Mr. Anyam
Plse deal
its a complaint
from the public
relax
2/2/15*

Dear Sir,

REF: COMPLAINT ABOUT ILLEGAL STRUCTURES ON PLOT L.R NO. 9042/130

The above matter refers.

This is to kindly request you to urgently take action on the above mentioned matter as the structures erected therein are a security risk both to human and environmental habitation and safety of the residents.

Best regards,

**ANISH DOSHI
DIRECTOR**

*2 DPC Ent
site visited. Notices
issued for demolition
for 7 days.*

*A.
Anyam.
03/02/2015*

*1. 2/02/15
Achar plse deal
Ag DPC & Enf.*



958

NAIROBI CITY COUNTY

PHYSICAL PLANNING ACT (CAP 286 LAWS OF KENYA)
NAIROBI CITY COUNTY BY-LAWS

ENFORCEMENT NOTICE

TO: DEVELOPERS; ILLEGAL STRUCTURES ON PLOT
NO 9042/130, AIRPORT NORTH ROAD
ENBAKAS, EAST

1. The development described under has been carried out without the grant of permission and/ or the following conditions required on that behalf under Part V of the Physical Planning Act / Building Code / Others (Specify):
PHYSICAL PLANNING ACT CAP 286 SECTION 30 (I & II)
NAIROBI CITY COUNTY BY-LAWS
Subject to which permission for the development as described hereunder was granted in respect thereof under Part V of the physical Planning Act Building Code, other By-laws has / have not been complied with.

(Description of development)
- DEVELOPING STRUCTURES TO LEVEL III WITHOUT COUNTY GOVERNMENT APPROVAL
- PERMITTING & OCCUPYING ABOVE STRUCTURES WITHOUT AUTHORITY OF THE COUNCIL
You are hereby required to (describe steps to be undertaken)

- 1) BRING DOWN ALL STRUCTURES ON PLOT LR NO 9042/130.
- 2) EVACUATE ALL TENANTS ON THE PLOT

Within a period of 7 DAYS
from the date of this notice failing which the Nairobi City County may enter on the said land and execute the requirement as outlined herein above and may recover as a civil debt in any court of competent jurisdiction any related expense.
This notice shall take effect on the 3rd day of February 20 15

If you are aggrieved by this notice you may appeal to Liaison committee as the Case may be under provisions of Part II of the act before the aforesaid ... day of ... 20 ...
in which case the operation of this notice shall be suspended pending the final determination or withdrawal of the appeal.

Any person who uses or causes or permits to be used the land to which this notice relates or carries out or causes or permits to be carried our operations or the said land in contravention of this notice shall be guilty of an offence provided for in Section 30 of the Act.

SIGNED: [Signature]

Dated this 3rd day of Feb 20 15

DIRECTOR
PLANNING COMPLIANCE & ENFORCEMENT
NAIROBI CITY COUNTY

cc. File

SERVED ON: SITE
Date: 02-02-15
SERVED BY: 1. A.P.P. MAN. NO. 6709
2. T. Othman MAN. NO. 1809
3. S. Ngugi MAN. NO.
4. J. Othman MAN. NO.

NAIROBI CITY COUNTY

Telephone: 2224281
Web: www.nairobicity.go.ke



City Hall
P. o box 30075-00100
Kenya
Nairobi

OFFICE OF THE GOVERNOR COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE

VAL. 228/VB 1236/A/17/GKM/lgm

3rd March 2016



The Clerk
Nairobi City County
City Hall

RE: LR 9042/130-EMBAKASI

Reference is made to your letter dated 23rd February 2016 in which you were seeking clarification on a petition on a by residents of Embakasi Mrandi on above plot.

According to our records, the referenced plot is owned by Marashi Holding Ltd. P.O. Box 21062 Nairobi for a term of 99 years with effect fro 1st July 1988. The property was allocated by the Government of Kenya on 16th February 1999.

We are not aware of any court order restraining the company from alienating, fencing, demolishing or interfering with the plot.

We do not know who authorised the demolition of the structure on the plot.

S.G. MWANGI, LS (K)
CHIEF OFFICER-LANDS

C.C. CECM- Lands, & Urban Planning
County Secretary

*P/C.A. (4)
Advise the
committee
for
4/3/16*

*C.A - Planning:
- Take before the committee.
- Compare with earlier response if received.*

*Amey
P/C.A (4)*

7/3/16

**ANDREW OMBWAYO & COMPANY
ADVOCATES**

6th Floor, Rehema House, Room 5
Kaunda/ Standard Streets
P.O. Box 57312 00200
NAIROBI
WIRELESS: 020 5101011
CELL: 0720-884809/
0733-953789

Email: andrewombwayoadvocates@gmail.com

OUR REF: AOO/ 401

YOUR REF:

DATE: 17th June 2015

The Office of the Clerk,
County Government of Nairobi,
City Hall,
Nairobi



Dear Sir,

**RE: JOINT MEETING OF JUSTICE & LEGAL COMMITTEE AND
PLANNING COMMITTEE OF THE 16TH JUNE 2015 OVER
DEMOLITION IN L.R NO. 9042/ 130
UNDERTAKING TO PROVIDE FURTHER PARTICULARS AND
DOCUMENTS**

Handwritten signature

I refer to the above matter and to my undertaking made in the same meeting do state thus:

The occupants were allocated and settled in the property by the Provincial Administration whereafter they sought to regularize their ownership of the property in question by suing for adverse possession in a civil case, NAIROBI HC ELC NO. 665 OF 2011, in which they had obtained interim orders restraining Marashi Holdings Limited from interfering with the suit property and their occupation therein till the hearing and determination of that suit, which is still pending.

They also sued the City Council of Nairobi (now County Government of Nairobi) in NAIROBI CMCC NO. 544 OF 2013 and obtained interim orders of injunction restraining City Hall from enforcing demolition notices against them pending the hearing and determination of that suit, which is still pending.

The demolition the subject and eviction the subject of my client's petition was therefore done in violation of Court Orders.

Further to this, 49 grievants were affected by the demolition as some were yet to be enjoined to the two suits above when the demolition interfered with them and scattered them. The land had measured approximately 2.5 acres and the population affected was approximated to be 3, 000 persons who had rented my clients' properties and had been carrying on businesses in the land.

I do attach the following documents too:

Andrew O Ombwayo LLB. (Hons) NBI, DIP (KSL).

Handwritten notes:
C.A. Planning
Table before the Committee
for advice on
18/06/15
P/C.A. (w)
advise the
Committee
17/06/15
16/06/15
22/06/15

**ANDREW OMBWAYO & COMPANY
ADVOCATES**

6th Floor, Rehema House, Room 5
Kaunda/ Standard Streets
P.O. Box 57312 00200
NAIROBI
WIRELESS: 020 5101011
CELL: 0720-884809/
0733-953789

Email: andrewombwayoadvocates@gmail.com

1. Certificate of registration of Embakasi Slum Dwellers Self Help Group.
2. Letter dated 3.12.2002 requesting for allotment letters which was recommended by the then District Officer, Mr Gachichio.
3. Minutes of Chief's Baraza of 29.4.2002.
4. Letter dated 29.7.2002.
5. Letter dated 1.4.2003.
6. Notice of leader's meeting dated 30.10.2004.
7. Minutes of meeting of 19.11.2004.
8. Court Order dated 1.12.2012 in NBI HC ELC NO. 665 OF 2011, duly registered against the title to L.R No. 9042/ 130.
9. Order dated 8th February 2013 in NBI CMCC NO. 544 OF 2013 against County Government of Nairobi.
10. Application dated 17th June 2015 for contempt against County Government of Nairobi scheduled for hearing on 24.6.15.
11. List of owners aggrieved with the demolition.

We hope that these shall clarify on the subject and are available for any further clarification.

Yours Faithfully,

FOR: ANDREW OMBWAYO & CO. ADVOCATES

**ANDREW O. OMBWAYO
ADVOCATE
P.O. Box 57312 - 00200
NAIROBI**
Andrew Ombwayo
Encls.



MINISTRY OF GENDER, SPORTS, CULTURE & SOCIAL SERVICES

Department of Social Services
Nairobi Province
P.O. Box 20430 - 00200
NAIROBI

Date: 19 OCTOBER 2004

Certificate of Self Help
Group / Organization
NAIROBI PROVINCE

This is to Certify that:-

EMBAKASI SLUM DWELLERS SELF HELP GROUP

Sub-Location/Ward:- AIRPORT Location:- EMBAKASI

Division:- EMBAKASI

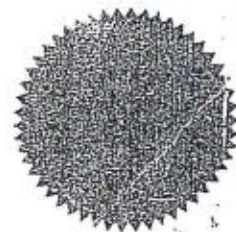
Is registered with the office of Provincial Director of Social Services, Nairobi Province as a Self - Help Group/Organization. This certificate entitles the Group to engage in Social Development Activities under the supervision of Provincial Director of Social Services, Nairobi.

Rufina N. Simiyu
(RUFINA N. SIMIYU)

Provincial Director of Social Services
Nairobi Province

*Serial Number

2423



Embakasi Village Slum Dwellers Upgrading Project,
P.O. Box 19212,
Nairobi.
03/12/2002

The Commissioner of Lands
P.O. Box 30089
Nairobi
Thro'

The Chairman of Plot Allotment Committee
P.O. Box 30124
Nairobi.
Thro'

The DDC Chairman
Embakasi
P.O. Box 30124
Nairobi.

*Forwarded and Highly Recommended
It was passed by locational development
Committee and DDC.
Kenya*

Dear Sir,

**STRICT OFFICE
EMBAKASI DIVISION
NAIROBI**

REF: REQUEST FOR ALLOTMENT LETTERS

We hereby write to request you Sir for allotment letters for the area occupied by the Embakasi Village Slum dwellers.

Sir we occupy on a Government land with an approximate area of 12.6 Hectares in Embakasi Village. Sir, the area is an extension of the slum and it is already demarcated and developed by 600 members of the slum. We have subdivided the area into plots of approximate 30 X 60 feet, and have left open areas for public utility e.g. Nursery school, Social Hall and a Clinic.

Sir, our occupation in the area was agreed and the agenda passed by L.D.C and D.D.C Embakasi Division.

Sir, since that we have lived on the ground for more than 20, years we request you kindly to give us allotment letters to enable us to own and to live in the piece land.

Sir, your quick action will solve this problem of land grabbers who may rise now and in future.

Yours faithfully,
Embakasi Village Upgrading Project

[Signature]
P.O. Box 19212, Nairobi
Date 03/12/2002
Secretary,
Embakasi Village Slum Dwellers Upgrading Project

CHIEFS BARAZA HELD AT EMBAKASI VILLAGE SLUM ON 29TH APRIL

2002

PRESENT

1. Mr. John Kiendi – Chief
2. Slum Dwellers committee
3. Village Elder – Samuel Nzuki
4. Stake holders/landlords
5. Slum tenants

The meeting started with a word of prayer said by one member.

The chairman of slum dwellers upgrading project Mr. Paul Musili started by introducing the committee. He then welcome the area chief Mr. John Kiendi to address the meeting/Baraza.

The chief started on food issue, security and shelter as the most important requirements for wananchi.

He asked the wananchi to contact his office for assistance whenever there is need disregarding of ones status. He commended the Slum Dwellers Upgrading Project Committee for their good work in trying to settle the slum families decently. He promised to support them fully and ordered that those members issued with pots must start developing them without delay. Otherwise, no slum will be allowed to remain especially within the Airport area.

It is up to you to choose on the best way forward as from now "Said the chief".

On a point of information the slum elder Mr. Samuel Nzuki said he supported the chief and the projects committee stand but pleaded for members to be given time in shifting. He said that he supported the project fully and nobody is against it.

The chief said that he would not tolerate anybody interfering with the peace of wananchi, especially during the forth coming elections.

The chief concluded the Baraza at 4.00 p.m.

Minutes by secretary Mukiri

c.c.

1. P. C. Nairobi
2. D. O. Embakasi
3. Chief Embakasi
4. OCS/OCPD Embakasi
5. Area MP
6. Area Councillor.

Embakasi Village Upgrading Project
P. O. Box 19212, Nairobi

Date 7/5/2002

Embakasi Village Upgrading Project
P. O. Box 19212, Nairobi

Date 7/5/2002

EMBAKASI VILLAGE SLUM DWELLERS
UPGRADING PROJECT
P.O. BOX 19212
NAIROBI.

5th May 2002

NOTICE: TO ALL LANDLORDS EMBAKASI VILLAGE SLUM

As per our previous meetings at the chiefs office Embakasi, we have been discussing issues on the best ways to upgrade our structures to permanent houses. We came to a conclusion that every stakeholder be allocated a plot of 30 x 60 so to make sure that every one of us lives in a descent and habitable houses which meets the City Councils plan.

The Kenya Government under the wise leadership of our beloved President Moi has given us an okay to settle our people within the slums since they are squatters in Government land.

The Government wants also to solve the problem of squatters in Nairobi area once and for all.

On 29th April 2002 at sunshine estate previously Sokoni, the area chief Mr. John Kiendi held a Baraza with all stakeholder in the slum to give them the Governments stand on the slums issue. He said that the Government would like to see its people well settled and living happily. He also said that he would like to see Embakasi people living in a descent environment and in modern houses. He commended the Embakasi village upgrading project committee for the good work they have done so far to see that all slum people have been settled in other alternative site to ease the present congestion in this slum.

He wondered why those issued with their plots have not yet developed them. He told the people that they must develop their plots immediately to remove the congestion and health hazards in the slum. He said no slum will be allowed within Airport area. He stressed the point that he is on the development side and not on those inciting other members not to develop their plots.

In conclusion he said he will not allow any politics in the on going project and his aim is to assist the needy wananchi and make them live decently in Embakasi Village.

As a result the Slum Dwellers Committee would like the above chiefs directives complied with.



The Slum Dwellers Committee therefore give a two months (2) NOTICE with effect from 30th April to 30th of June 2002 to all members/stakeholders to start developing their plots immediately. Failure to do so your plot will be re-allocated to any other needy mwananchi.

For all information/guidance please contact our site office. Minutes attached.

Yours,

Secretary *Jlu*
Embakasi Village Upgrading Project

c.c.

1. P. C. Nairobi
2. D. O. Embakasi
3. Chief Embakasi
4. OCS/OCPD Embakasi
5. Area MP
6. Area Councillor.

Embakasi Village Upgrading Project
P. O. Box 19212, Nairobi

Date 7/5/2002



EMBAKASI VILLAGE SLUM
DWELLERS UPGRADING
PROJECT,
P.O BOX 19212,
NAIROBI.
29/07/2002.

THE COMMISSIONER OF LANDS,
P.O BOX 30089
NAIROBI.

THRO'

THE CHAIRMAN, INFORMAL SETTLEMENT,
P.O BOX 30124,
NAIROBI.

Dear Sir,

REF: REQUEST FOR ALLOTMENT LETTER.

We hereby write to request you Sir for allotment letter for the area occupied by the slum dwellers. Sir we occupy on a Government land with an approximate area of 12:5493 hectares in Embakasi village.

Sir the area is an extension of the slum and it holds more than 500 members of the slum.

Sir our occupation in the area was agreed by the L.D.C and D.D.C whose chairpersons are the chief (L.D.C) and D.O (D.D.C). Sir since many people have had the interest of the area and we are the occupants of the ground, we therefore request you sir to provide us with an allotment letter so that we can have the ownership of the said area.

Sir since we are a registered group, we request you to act quickly so as to avoid any other interested party.

Yours Faithfully,

J. Kimani

SECRETARY,

EMBAKASI VILLAGE SLUM DWELLERS UPGRADING PROJECT

C.C

- P.C NAIROBI
- D.O EMBAKASI DIVISION
- CHIEF EMBAKASI LOCATION

Embakasi Village Upgrading Project
P. O. Box 19212, Nairobi

Date 29/7/02

Embakasi Village Upgrading Project
P. O. Box 19212, Nairobi

Date 2/4/03

EMBAKASI SLUM DWELLERS
SELF HELP GROUP
P.O. BOX 19212
NAIROBI

1st April, 2003

THE CHAIRMAN,
NAIROBI LIASON
COMMITTEE
P.O. BOX 30124
NAIROBI

Dear Sir,

REF: APPLICATION FOR A COMMUNAL ALLOTMENT LETTER OF
EMBAKASI VILLAGGE SLUM DWELLERS SETTLEMENT AS (INDICATED)
IN THE ATTACHED SKETCH MAP.

We write to you as a reminder to our letter dated 19th September 2002 on the above subject. Sir, we wish to inform you that we have occupied the said government land for over twenty years. To date we have upgraded some of the existing semi-permanent structures into permanent, to meet the council plan. We kindly request the government through your entire committee for assistance to acquire an allotment letter for the said settlement to enable a smooth settlement of more than six hundred members with a family population of over three thousand.

As you are aware that more than (2/3) two thirds of Nairobi's population lives in slum areas or the informal settlement. We request that we should be given the first option to own such government lands that are already occupied by the (poor Wananchi) like in our case. However, we are grateful the government is doing everything possible to upgrade all the informal settlements. All we are asking is for the government to intervene and save the poor Wananchi from the private developers who are claiming for the same areas already occupied by slum dwellers.

Attached herewith please find copies of certificate and sketch map for your necessary action.

Yours faithfully,

F.R. Mukiri
Embakasi Village Upgrading Project
P.O. Box 19212, Nairobi

F.R. Mukiri
Secretary Embakasi Slum Dwellers
S.H.G.

C.C. Director City Planning
P.O. Box 30075
NAIROBI
City Architect
P.O. Box 30075
NAIROBI



OFFICE OF THE PRESIDENT
PROVINCIAL ADMINISTRATION

Telegrams: _____
Telephone: 791351 (NRI)
When replying please quote
ref. No. _____
and date

Chief's Office,
Embakasi Location
P.O. Box 30124
NAIROBI

DATE 30-10-2007

THE LEADERS
EMBAKASI / LOCATION

ATT. MR / MRS / MISS Kagunda

RE: LEADERS MEETING

You are kindly invited to a leaders' meeting scheduled for 3rd Nov. 2007
Venue Embakasi Chief's off. Co. at 10.00 Am.

Please observe punctuality.

- Agendas
1. Security
 2. Development
 3. A.O.B

Yours Sincerely [Signature]
WEP
EMBAKASI LOCATION
A.G. Chief Romano K. Mikiyu
Embakasi
Location

EMBAKASI SLUM DWELLERS SELF-HELP GROUP COMMITTEE
MEETING

MINUTES AS AT 19/11/2004

Venue GUZZLERS RESTAURANT
Starting Time 2:00PM

Attendance

- | | |
|-----------------------------|-----------------------|
| 1. Philip M. Kagunda | - Chairman |
| 2. Samuel M. Nzuki | - Vice Chairman |
| 3. Festus R. Mukiri | - Secretary |
| 4. Michael Ogada Okumu | - Assistant Secretary |
| 5. Evans Adela | - Treasurer |
| 6. Simon M. Mwololo (Cllr.) | - Patron |
| 7. Martin Ongete | - Surveyor |
| 8. Awiti Odhiambo | - Committee |
| 9. Patrick Ouma Odwalo | - Committee |
| 10. Purity Kanana | - Committee |
| 11. Joseph Ogutu Onyango | - Committee |
| 12. Paul Musili | - Committee |
| 13. Peter Musango, | - Committee |
| 14. Mbiti Mvithia | - Committee |
| 15. Godfrey Maithya | - Committee |

Approved
SOCIAL DEVELOPMENT OFFICER
EMBAKASI DIVISION
P.O. Box 20434
NAIROBI

Absent

- 1. Joseph Kagai - with apology.

Agenda

1. The chairman's general overview about group's progress
2. The committee finances
3. A.O.B

Min 001/07/004 - CHAIRMAN'S OVERVIEW ABOUT THE GROUPS PROGRESS

- After prayers, the chairman started off by appreciating the unity that has been within the group and has continued to enhance quick progress of the group.

- The chairman informed the committee that most of the over 400 group's registered members have been issued with plots and arrangements are being made to ensure that the remaining members are also issued with the same.

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Min 002/07/004 – COMMITTEE FINANCES

- Due to the complaints and general allegations about the safety and the security of the committee's finances, in the hands of the treasurer being kept at his house.
- Majority of the committee members complained that should anything happen to the treasurer's house, the group will lose a lot of money. They suggested that for the money to be safe, it was necessary to operate a bank account.
- It was therefore unilaterally agreed by all members present to open a bank account with Co-operative Bank of Kenya.
- The committee to operate the account on its behalf as signatories therefore endorsed the following officials:
 1. Mr. Philip M. Kagunda – Chairman
 2. Mr. Festus R. Mukiri – Secretary
 3. Mr. Evans Adela – Treasurer
- The secretary was requested to write a letter to the Social Development Officer – Embakasi Division to assist them open an account with the Co-operative Bank.

Min 003/07/004 – A.O.B

- The chairman implored upon the officials to keep the secrets of the committee and ensure that these secrets do not leak to either the non-members or to the outsiders.
- It was heard that as a result of the leakage of secrets, some outsiders had information about the group's finances thereby jeopardizing the safety of the treasurer.
- Having no other business for the day, the chairman ended the meeting and scheduled the next meeting for 3rd December 2004 at a place yet to be decided.
- The meeting ended at 4:29p.m with a word of prayer from Purity Kanana.

Minutes checked and confirmed by:

Chairman – Philip M. Kagunda

Secretary – Festus R. Mukiri

Approved
SECRETARY OF THE OFFICE
2004

1R 49086

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
LAND AND ENVIRONMENTAL LAW DIVISION
ELC CASE NO. 665 OF 2011 (OS)

IN THE MATTER OF LR NO. 9042/130



NICK OMONDI OWANGO
AMBROSE MUTWA
ROSAITA MUTHOKA
VERONICA WACHUKA KARUBA
MOCHAMA JENKINS
WAITHIRA KIMANI
CHANGANGA KAVITHE JEDIDA
REUBEN GATHIA
PETER B. MOENGA
MARY NDULU
CICILIA MWIKALI MBALUKA
MUSYOKA KISWILI
ELIZABETH OMONDI
MARTHA MUNINI
MARY NG'NA,
JOSEPH KIBET
GEORGE OCHOLA
SILVESTER M. MWINZI
CALEB BASWETI
SAMSON GITOBU
JOYCE ATIENO ONYANGO
HENRIETTA MUKII KIWESE
CATHERINE WAKAMU
GEOFFREY GACHECHA
FRANCIS NGANGA KAMAU
JOHN MUHIRI MWAURA
MARY KAGIO RITHO
ELIJAH YUNGO ONGANCHA
SAMWEL MUNGAI KAMAU
NICHOLAS CHELIMO KANDIE
ALENLINE NANGILA MAKHANU
SOMOLON KIRIMA MUKARIA
JANE KABURA MULE
ALOYS ONGOTO NYAGOT
GILBERT MUMENYA PLAINTIFFS

VERSUS

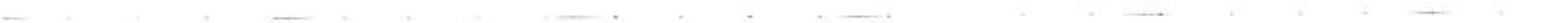
MARASHI HOLDINGS LIMITED DEFENDANT

IN COURT ON 1ST DECEMBER, 2011
BEFORE THE HON. LADY JUSTICE MUGO

ORDER

UPON READING the application presented to this Court on the 24th November, 2011 by the Counsel for the Plaintiffs/Applicants under Section 1A, 1B, 3A and 63 (c) and (e) of the Civil

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Procedure Act, Order 40 Rule 1, 2. and 9 of the Civil Procedure Rules and all enabling Provisions of the Law; AND UPON READING the Supporting affidavit of MARTHA MUNINI NTHUNGA sworn on the 17th day of November, 2011 and the annextures thereto; AND UPON HEARING Counsel for the Plaintiffs/Applicants in the absence of the Respondent/Defendant;

IT IS HEREBY ORDERED.

1. THAT pending the hearing and determination of the suit, the status quo currently obtaining be maintained.

GIVEN under my hand and the seal of the court this 1st day of December, 2011

ISSUED at Nairobi this*7th*..... day of*Dec*.....2011.

[Signature]

DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI

I CERTIFY THIS IS TRUE
COPY OF THE ORIGINAL
DATED: *7/12/11*
.....
DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI

SAND TITLES REGISTRY—NAIROBI, KENYA
REGISTRATION OF TITLES ACT
REGISTERED AS No. I.R. *49086/3*
Presented *24th May 2012*
John
Registrar of Titles

W. M. Muigai 265

FOR OFFICIAL USE ONLY

To:—THE UNDERMENTIONED PRESENTOR.

The documents presented for registration are returned herewith together with.....

I am unable to register

Please refer to the conditions appertaining to rejections overleaf.

I am, Sir(s),

Your obedient servant,

Registrar

DESPATCHED

RECEIVED

TRIPPLICATE

The Conditions on the Back of this Form shall be Complied with
REPUBLIC OF KENYA

APPLICATION FOR REGISTRATION

of the undermentioned documents in the following order of priority:—

Date of Documents	Description (1)	Land Reference Number (2)	Title Deed File Number (3)	Fee (4)	For Official Use only
7/12/2011	Court Order	9042/130	49086	Sh. 500	2126
Number of new certificates of title required at Sh, 125 each					
Adhesive revenue stamps affixed hereto to the value of					

The following documents are enclosed for endorsement:—(5)

Grant No. _____ Certificate of Title No. _____ Lease No. _____

The following supporting documents are also enclosed:—(6)

- Clearance Certificate
 - "Registration Copy" of Divisional Land Board Consent
 - "Registration Copy" of the County Council's/Commissioner's Consent
 - Valuation forms
 - Land Rent Certificate
- MS TWO ORIGINAL COURT ORDERS ENCLOSED*

The following consents are endorsed on the documents:—

- Commissioner of Lands or the Chief Engineer, Kenya Railways under the terms of the Grant
- Chargee to surrender of lease under section 44 of the Registration of Titles Act (Cap. 281)

Special instructions, including, if necessary, the name and address of the persons to whom the documents are to be sent if other than the presenter:—

Date 21/5

2012

Signature [Signature]
 Name in Block Capitals KAMUNGE GICHIRI
 Postal Address BONGOS
NTIWHI

TO BE SUBMITTED IN TRIPPLICATE



REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE COURT AT NAIROBI
MILIMANI COMMERCIAL COURT
CIVIL CASE NO.544 OF 2013

NICK OMONDI OWANGO & OTHERS **PLAINTIFFS**
VERSUS
CITY COUNCIL OF NAIROBI **DEFENDANT**

ORDER

UPON READING the application presented to this court on 8th day of February, 2013 by the advocate for the Plaintiffs/Applicants and supported by the affidavit of NICK OMONDI OWANGO herein sworn on the 7th day of February, 2013.

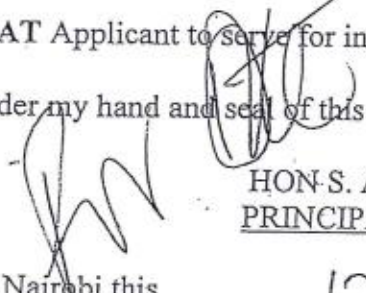
AND WHEREAS the application coming for ex-parte hearing on the 8th day of February, 2013 before Hon S. Atambo. (Ms.) Principal Magistrate in the presence of the counsel for Plaintiffs/Applicants and in the absence of the advocate for the Defendant/ Respondent

AND UPON HEARING the said counsel

IT IS ORDERED

1. THAT the application herein be and is hereby certified as urgent.
2. THAT a temporary injunction be and is hereby issued restraining the Defendant from evicting the Plaintiff's from the parcel of land known as L.R. No. 9042/130 (Suit land) or from demolishing or fencing in the Plaintiff's building or interfering with the Plaintiff's possession of the same or alienating, transferring, disposing off or dealing with the suit land in any manner whatsoever pending interparties hearing of this application
3. THAT Applicant to serve for inter-parte hearing on 21st day of February, 2013

GIVEN under my hand and seal of this court on the 8th day of February, 2013.


HON. S. ATAMBO. (M/S)
PRINCIPAL MAGISTRATE

ISSUED at Nairobi this

12th

day of February, 2013

PRINCIPAL MAGISTRATE

PENAL NOTICE

TAKE NOTICE that any disobedience or non-observance of the order of the court given on the 8th day of February, 2013 served herewith will result in penal consequences to you and any other person(s) so disobeying and not observing the same.

AND FURTHER that if this order is not obeyed, an application shall be made citing you and any other such person (s) so disobeying for contempt of Court seeking therein your detention and other punishment for you and such person(s) together with any remedy available in law

Hj 24/6/15



REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE'S COURT AT NAIROBI-MILIMANI
CIVIL SUIT NO. 544 OF 2013

NICK OMONDI OWANGO & 33 OTHERS.....PLAINTIFFS/ APPLICANTS
VERSUS
CITY COUNCIL OF NAIROBI
NOW COUNTY GOVERNMENT OF NAIROBI.....DEFENDANT/ RESPONDENT

CERTIFICATE OF URGENCY

I, **ANDREW OMBWAYO** Advocate, do certify that the application filed herewith is extremely urgent for reasons that the defendant has, jointly and severally with others, invaded the suit property, **L.R NO. 9042/ 130 EMBAKASI NAIROBI**, on the 25th, 26th and 27th February 2015, destroyed the property, development, residential and commercial houses of the plaintiffs and forcefully evicted them from the same in breach of the Court Order dated 8th February 2013 and reinstated vides an Order dated 17th July 2013, which was still in force pending the hearing and determination of the application presented in court on 8th February 2013 and which had been scheduled for hearing/ directions on the 12th May 2015 and thereafter.

Unless the defendant's contempt is purged and the plaintiffs reinstated to the suit property, they shall continue to suffer harm as their dwellings and livelihood have been interfered with in violation of this Court's Orders.

Dated at Nairobi this...17th...day of..... June..... 2015.

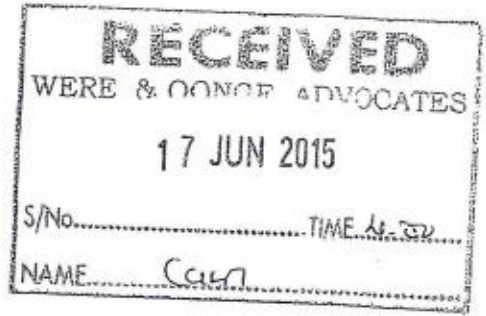
ANDREW OMBWAYO & CO.
ADVOCATES FOR THE PLAINTIFFS/ APPLICANT

DRAWN & FILED BY: -

ANDREW OMBWAYO & CO.
ADVOCATES,
REHEMA HOUSE, 6TH FLOOR, ROOM 5,
KAUNDA STREET,
P.O. BOX 57312 00200,
NAIROBI
E mail: andrewombwayoadvocates@gmail.com
Cell: 0720-884 809

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REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE'S COURT AT NAIROBI
CIVIL SUIT NO. 544 OF 2013



NICK OMONDI OWANGO & 33 OTHERS.....PLAINTIFFS/ APPLICANTS
VERSUS
CITY COUNCIL OF NAIROBI
NOW COUNTY GOVERNMENT OF NAIROBIDEFENDANT/ RESPONDENT

NOTICE OF MOTION

(Under Orders 51 R. 1 and Order 40 R. 3, Sections 1A, 1B, 3A & 63(c) Civil Procedure Act Cap 21 and all enabling provisions of law)

TAKE NOTICE that this Honourable Court shall be moved on the.....day of.....2015 at 9.00 am in the forenoon or soon thereafter as may appear in the daily cause list as Counsel for the applicant may be heard on an application for **ORDERS**: -

1. THAT this application be certified urgent and heard ex parte in the 1st instance.
2. THAT the defendant, through its officers, agents and assigns, be and is hereby cited for contempt of the Orders dated 8th February 2013 and 17th July 2013.
3. THAT the defendants be and are liable to the plaintiffs for punitive, exemplary, aggravated and general damages.
4. THAT this Honourable Court may deem fit and just to grant.
5. THAT costs be provided for.

ON the Grounds: -

1. THAT the defendant, its officers, agents and assigns, whether directly or indirectly, and whether alone and or in concert with others, deliberately violated the Orders the subject hereto despite being served with the same, and despite having knowledge of the same.
2. THAT the defendant violated the Orders above with the consequence that the plaintiffs have been evicted from the suit property, **L.R NO. 9042/ 130 EMBAKASI NAIROBI**, pursuant to an invasion carried out by and with the aid of the defendant and its officers on the 25th, 26th and 27th February 2015.
3. THAT the defendants' action resulted in the destruction and demolition of the plaintiffs' property, investments and developments, and destruction of their livelihood and dwelling places.
4. THAT the defendant's action has also interfered with the status quo of the suit herein, hence with the hearing and determination of the suit herein.
5. THAT the defendant's action is therefore an affront to law, order and justice.





6. THAT it would therefore serve and further the ends of justice if this application is allowed.

AND upon the supporting affidavit of **NICK OMONDI OWANGO** and on further grounds to be adduced at the hearing.

Dated at Nairobi this 1st day of June 2015.


ANDREW OMBWAYO & CO.
ADVOCATES FOR THE PLAINTIFFS/ APPLICANTS

DRAWN & FILED BY: -

ANDREW OMBWAYO & CO.
ADVOCATES,
REHEMA HOUSE, 6TH FLOOR, ROOM 5,
KAUNDA STREET,
P.O. BOX 57312 00200,
NAIROBI
E mail: andrewombwayoadvocates@gmail.com
Cell: 0720-884 809

AOO/ 417

TO BE SERVED UPON: -

WERE & OONGE,
ADVOCATES,
SOLAR HOUSE, 4TH FLOOR, RM 405,
AGA KHAN WALK,
NAIROBI

"If any party served does not appear at the time and place above-mentioned, such order will be made and proceedings taken as the Court may think just and expedient"



REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE'S COURT AT NAIROBI-MILIMANI
CIVIL SUIT NO. 544 OF 2013

NICK OMONDI OWANGO & 33 OTHERS.....PLAINTIFFS/ APPLICANTS
VERSUS
CITY COUNCIL OF NAIROBI
NOW COUNTY GOVERNMENT OF NAIROBIDEFENDANT/ RESPONDENT

SUPPORTING AFFIDAVIT

I, NICK OMONDI OWANGO and a resident of the same, being a male adult of sound mind, do make oath and state as follows: -

1. THAT I am the 1st plaintiff/ applicant herein with the authority of the 2nd to 34th plaintiffs hence competent to swear this affidavit on my behalf and on theirs.
2. THAT the plaintiffs are occupiers of the suit property, **L.R NO. 9042/ 130 EMBAKASI NAIROBI**, and lodged this suit to challenge and restrain the defendant from enforcing its notice to demolish our dwellings and business property. As a result, the Court granted us an interim order of injunction dated 8th February 2013, which I annex hereto as **NOO 1**, pursuant to an application dated 7th February 2013.
3. THAT the Order above, together with a penalty clause, was served upon the defendant on the 14th February 2013 an affidavit of service, which I annex hereto as **NOO 2**, was filed.
4. THAT thereafter, on 20th February 2013, M/s Were & Oonge Advocates came on record on behalf of the defendant and has prosecuted this suit on the defendant's behalf to date.
5. THAT the Order dated 8th February 2013 above lapsed on 21st February 2013 with the dismissal of the application dated 7th February 2013 for non attendance but was, pursuant to our application dated 22nd February 2013, re instated vides an Order dated 17th July 2013, which I also annex hereto as **NOO 3**.
6. THAT the defendants and its advocates were aware of both orders and, on 11th March 2013, lodged grounds of opposition dated 8th March 2013, and attended Court on various dates inter alia on 1st March 2013, 13th June 2013 and even on 12th May 2013.
7. THAT however, and despite these Court Orders, the defendant, its agents and officers, in concert with other persons, invaded and facilitated the invasion of the suit property, destroyed and demolished the plaintiffs' developments, investments and property using bull dozers, on diverse dates on the 25th, 26th and 27th February 2015 and thereafter evicted and caused the eviction of the plaintiffs from the suit property.
8. THAT the defendant has admitted as much but now claims that it was purportedly demolishing our property because they had been done without approved planning yet that

was the crux of this suit and the orders in issue, and in utter and blatant breach of these orders. Annexed as NOO 4 are copies of documents in proof.

9. THAT as a result, the plaintiffs have suffered harm for which they are entitled to damages as prayed in the application filed herewith.
10. THAT the defendant has violated the orders above whilst they knew or had knowledge that the same had force and effect since the application dated 7th February 2013 was still pending hearing and determination to date.
11. THAT the defendant has therefore interfered with the suit herein above, law, order and our pursuit of justice and ought to be sanctioned.
12. THAT unless and until the defendant purges its contempt, the dignity of this Court and the proceedings before it shall stand and remain at stake.
13. THAT it is therefore imperative that the application be allowed with costs.
14. THAT all that is deposed to herein above is true to the best of my knowledge, information and belief.

SWORN at NAIROBI BY THE SAID)

NICK OMONDI OWANGO)

Nick

This... 17th day of June 2015)

DEPONENT

BEFORE ME: -)

GEOFFREY E. WESONGA
ADVOCATE
COMMISSIONER FOR OATHS
P.O. Box 44845-00100 NAIROBI.

COMMISSIONER FOR OATHS

DRAWN & FILED BY:

ANDREW OMBWAYO & CO.
ADVOCATES,
RHEMA HOUSE, 6TH FLOOR, ROOM 5,
KAUNDA STREET,
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NAIROBI
E mail: andrewombwayoadvocates@gmail.com
Cell: 0720-884 809

AOO/417

**ANDREW OMBWAYO & COMPANY
ADVOCATES**

6th Floor, Rehema House, Room 5
Kaunda/ Standard Streets
P.O. Box 57312 00200
NAIROBI
WIRELESS: 020 5101011
CELL: 0720-884809/
0733-953789

Email: andrewombwayoadvocates@gmail.com

OUR REF: AOO/ 323

YOUR REF:

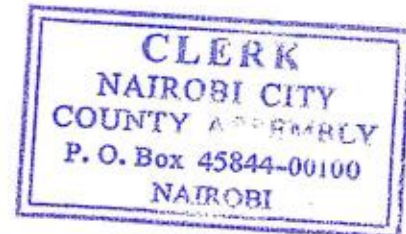
DATE: 17th June 2015

IN THE MATTER OF L.R NO. 9042/130

LIST OF GRIEVANTS

NAME

1. NICK OMONDI OWANGO
2. AMBROSE MUTWA
3. ROSAITA MUTHOKA
4. VERONICA WACHUKA KARUBA
5. MOCHAMA JENKINS
6. WAITHIRA KIMANI
7. CHANGANGA KAVITHE JEDIDA
8. REUBEN GATHIA
9. PETER B MOENGA
10. MARY NDULU
11. CICILIA MWIKALI MBALUKA
12. MUSYOKA KISWILI
13. ELIZABETH OMONDI
14. MARTHA MUNINI
15. MARY NGINA
16. JOSEPH KIBET
17. GEORGE OCHOLA
18. SYLVESTER M MWINZI
19. CALEB BASWETI
20. SAMSON GITOBU
21. JOYCE ATIENO ONYANGO
22. HENRIETTA MUKII KIWESE
23. CATHERINE WAKAMU
24. GEOFFREY GATHECHA
25. FRANCIS NGANGA KAMAU
26. JOHN MUHIRI MWAU
27. MARY KAGIO RITHO
28. ELIJAH YUNGO ONGACHA
29. SAMWEL MUNGAI KAMAU
30. NICHOLAS CHELIMO KANDIE
31. ALENLINE NANGILA MAKHANU
32. SOLOMON KIRIMA MUKARIA



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**ANDREW OMBWAYO & COMPANY
ADVOCATES**

6th Floor, Rehema House, Room 5
Kaunda/ Standard Streets
P.O. Box 57312 00200
NAIROBI
WIRELESS: 020 5101011
CELL: 0720-884809/
0733-953789

Email: andrewombwayoadvocates@gmail.com

33. JANE KABURA MULE
34. ALOYS ONGOTO NYAGOT
35. GILBERT MUMENYA
36. GEORGE ODHIAMBO
37. JULIATA N OPATA C/O NELSON OPATA EKIRAPA
38. EDWIN WANGOYA
39. ROSE K MBERIA
40. THERESA AOKO
41. PHILIP M KAGUNDA
42. MARK OTIENDE
43. SELINE AKINYI OGUTU
44. SYLVINE ANYANGO ODHIAMBO
45. JOSEPH ONYANGO ORAYA
46. ALLAN WACHEKE
47. ISABELLA MWORIA
48. GLADYS NDUKU MUKOO
49. WAMBUI WANGOMBE

Yours Faithfully,

FOR: ANDREW OMBWAYO & CO. ADVOCATES

ANDREW O. OMBWAYO
ADVOCATE
P.O. Box 57312 - 00200,
NAIROBI.

Andrew Ombwayo



MINUTES OF THE 20TH SITTING OF THE NAIROBI COUNTY ASSEMBLY PLANNING AND HOUSING COMMITTEE HELD ON TUESDAY, 30TH MARCH, 2016 AT 11:30 A.M. CHARTER HALL.

PRESENT:

- | | |
|------------------------------------|-----------------|
| 1. Hon. Jairo Atenya Asitiba | (Chairman) |
| 2. Hon. Maxwell Ochieng Ochar, MCA | (Vice Chairman) |
| 3. Hon. Rachael Kamweru, MCA | |
| 4. Hon. Elias Otieno Okumu, MCA | |
| 5. Hon. James Kinuthia, MCA | |
| 6. Hon. Joyce Bocha, MCA | |
| 7. Hon. Leah Mumo Mate, MCA | |
| 8. Hon. Magdalene Mbogori, MCA | |
| 9. Hon. Alvin Olando Palapala, MCA | |
| 10. Hon. Caroline Muga, MCA | |
| 11. Hon. Nelson Masiga, MCA | |
| 12. Hon. Njuguna Mwangi, MCA | |
| 13. Hon. Daniel Mari Mbugua, MCA | |



ABSENT:

1. Hon. Hassan Abdi, MCA
2. Hon. Stephen Kambi, MCA
3. Hon. Paul Kiguathi Kados, MCA
4. Hon. Mike Obonyo Guoro, MCA

INATTENDANCE

1. Mr. Shadrack Makokha - Second Clerk Assistant
2. Mr. Erick Njoga - Second Clerk Assistant

MIN.61/CP&H//MARCH/2016- PRELIMINARIES

The meeting began with a word of prayer from Hon. Jairo Atenya. The Chairman then took Members through the agenda, which was adopted as proposed by Hon. Kamweru Rachael and seconded by Hon. James Kinuthia as follows:-

AGENDA

1. Preliminaries
2. Meeting with Chief Officers(Lands, Urban Planning and Housing)
3. Adoption of Committee reports on the following Petitions :
 - i.) *Petition by residents of Eastleigh for intervention on Eastleigh south section iii*

ii.) Petition by residents of Embakasi Mradi regarding the demolition of their structures on land reg. No. LR 9042/130.

4. Confirmation of Minutes
5. Any Other Business
6. Adjournment

MIN. 62/CP&H /MARCH/2016 - MEETING WITH CHIEF OFFICER (LANDS, URBAN PLANNING AND HOUSING)

— The Chairperson informed that the Committee was scheduled to meet the Chief Officers responsible for Lands, Urban Planning and Housing, however the said Chief Officers had failed to turn up citing that the Chief Officer responsible for Lands was out of the country on official duties. In addition, the Sectors were not prepared for the meeting since issues raised in the invitation needed more research before they can adequately responded to.

— The Committee considered the request and resolved to re-schedule the meeting to Wednesday 6th April, 2016.

MIN. 63/CP&H /MARCH/2016: - ADOPTION OF COMMITTEE REPORT ON THE PETITION BY RESIDENTS OF EASTLEIGH FOR INTERVENTION ON EASTLEIGH SOUTH SECTION III SEWERAGE SLUM EVICTIONS

The Clerk Assistant tabled the draft Committee report on the petition by residents of Eastleigh for intervention on Eastleigh south section III sewerage slum evictions. The Chairperson requested Hon. Rachel Kamweru to read the report. The Committee thereafter adopted the report as proposed by Hon. James Kinuthia and seconded by Hon. Rachel Kamweru.

MIN. 64/CP&H /MARCH/2016: - ADOPTION OF COMMITTEE REPORT ON THE PETITION BY RESIDENTS OF EMBAKASI MRADI REGARDING THE DEMOLITION OF THEIR STRUCTURES ON LAND REG. NO. LR 9042/130

The Clerk Assistant tabled the draft Committee report on the petition by residents of Embakasi Mradi regarding the demolition of their structures on land reg. no. L.R 9042/130. The Chairperson requested Hon. Rachel Kamweru to read the report. The Committee thereafter adopted the report as proposed by Hon. Rachel Kamweru and seconded by Hon. Joyce Bocha.

MIN. 65/ CP&H/MARCH/2016 - ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 12.20pm, the Chairperson adjourned the meeting to Thursday 31st March, 2016.

SIGNATURE
(Chairperson)

DATE..... 31/3/16

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI

