

*Petition read by
Hon David Masika
on 11/12/22 to planning committee*

NAIROBI CITY COUNTY ASSEMBLY



THIRD ASSEMBLY
(FIRST SESSION)



[PUBLIC PETITION PURSUANT TO STANDING ORDER 213]

PETITION BY RESIDENTS OF PATANISHO IN LOWER SAVANNAH WARD ON
SETTLEMENT FORMALIZATION PROJECT OF COMMERCIAL PLOTS 667-730
WITHIN NAIROBI CITY COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of Lower Savannah Ward
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 WHERE AS, 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;

THAT WHEREAS, in 2014 the County Government issued allotment letters to Patanisho
(formerly known as Kayole South) scheme settlers to Formalise allocation of plots vide
Minute 13 (pg 564) of a general purposes meeting of the defunct County Council of
13th September 2012;

THAT WHEREAS, the 41 ha. plots were initially allocated to the Petitioners by the then
Provincial Administration;

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THAT WHEREAS, the allotment letters 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 fees, the Petitioners proceeded and applied for the Survey of the land, which upon payment, they were issued with a map showing the boundaries of the plots now known as Nairobi Block 167 ;

THAT WHEREAS, upon the said payment of requisite Survey fees of Ksh 2.1m, the County Land Surveyor in a letter dated 22nd September 2015 made a request forwarding a Preliminary Development Plan(PDP) and a Registered index Map(RIM) to enable the County prepare leases to the allottees (herein the Petitioners);

THAT, in 2016 the County Government started issuing 99 year leases to 400 allottees having duly paid KRA Stamp Duties;

THAT, The Petitioners have since been paying Land rates/KRA Land rates; and arising from a boundary dispute with Kiambu Dandora Farmers Association on Plot Nos. 667-730, the Ministry of Lands visited part of Nairobi Block 167 and drew boundaries hence ending the dispute;

THAT, after the Ministry of lands conducted the Survey, a group known as Kayole Sector 'A' emerged claiming ownership of plots 667-730. The claim was contested by the Petitioners through their advocate who wrote to the County on the same. The County Government through the County Attorney and the Chief Officer Lands, after verifying the documents produced by Kayole Sector 'A' group, termed them as fake documents as they cannot be traced in County Government records;

THAT, this 'fake' claim by members of Kayole Sector 'A' Association has infringed on the rights of the allottees enjoying peaceful enjoyment to their property as envisaged by the Constitution.

THAT WHERE AS, petitioners confirms that efforts have been made to have matter addressed by the relevant body failed to give satisfactory response;

THAT, all the matters in respect of which the petition is being raised is not pending before any court of law or constitutional body.

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

- a) The County Executive do take the initiative of ensuring that plots No. 667-730 are indeed occupied by the rightful owners by issuing them with lease certificates as was done to settlers on the other part of the scheme.

And your Petitioners will forever pray.

Presented by;

Hon David Magoba

On behalf of;

- The Residents of Lower Savannah.

And by extension;

- All residents of Nairobi County.

