

NAIROBI CITY COUNTY ASSEMBLY



THIRD ASSEMBLY  
(FIRST SESSION)



*Petition Committed  
to the Sectoral  
Committee on  
Planning and Housing -  
2/11/2022*

[PUBLIC PETITION PURSUANT TO STANDING ORDER 213]

**PETITION BY TRADERS OF WAKULIMA MARKET IN CENTRAL WARD  
ON GRABBING OF PUBLIC LAND L.R No.239 ON PLOT No.209/21524  
NAIROBI, BLOCK 41 PARCEL No. 180 BETWEEN KPCU AND  
WAKULIMA MARKET WITHIN NAIROBI CITY COUNTY**

WE THE UNDERSIGNED Citizens of Kenya who are traders of Central ward, Starehe Sub-County 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;

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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, Section 116 of the County Governments Act, 2012 imposes an obligation on the County Government and its agencies to deliver services within its designated area of jurisdiction and Section 117 (1) (a) provides that the county government shall give priority to basic needs of the public to ensure that all members of the public have access to basic services;

THAT WHEREAS, the traders of Wakulima were given a notice on 14<sup>th</sup> October, 2011 to vacate by 1<sup>st</sup> November, 2022 by Forward Travelers serving with credit co-operative society and Baraka parking agencies limited, a private developer running unlicensed parking at exorbitant rate citing that the land belongs to the them;

THAT WHEREAS, the private developer has been constantly threatening people who're agitating for the plot to be returned to public. Furthermore, despite its original lease ending in 2026, they intercepted with a fake lease which is now in force, hence didn't consider the current needs on the ground neither the traders' plight nor public interest ;

THAT, the invasion, grabbing, closure and building with impunity on a public access road blocking the road totally, amplifies the insensitivity, impunity of the said Agency;

THAT WHEREAS, plots L. R Nos. 239 Plot No. 209/21524 NAIROBI Block 41, Parcel No. 180, are the plots which were specifically mentioned in condition. These plots (*the subject of this petition*) are to be surrendered to the local government and Extension to Wakulima Market Traders.

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;

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AND THAT, all the matters in respect of which the petition is raised was in court but was dismissed due to lack of substantive prayers hence not pending before any court of law or constitutional body.

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

- a. The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans for plots L. R Nos.239, Plot No.209/21524 ,NAIROBI Block 41, Parcel No.180,to facilitate and solve the dispute herein;
- b. The traders be protected from any further resettlement by the Nairobi City Council Executive. The Nairobi City Council Executive to acquire adjacent land to expand the market instead.
- c. The Nairobi City County Government In conjunction with the relevant organs to bring down the illegal structure being on the said plots; and
- d. The Nairobi City County Government secure the said plots and hold it in trust on behalf of the traders.

And your Petitioners will forever pray.

Presented by:

Hon Speaker

*On behalf of:*

- The traders of Wakulima Market.

*And by extension;*

- All traders of Nairobi County.

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