

by Hon. Wathora Chesge.

COUNTY GOVERNMENT OF NAIROBI CITY

Petition presentation
15/8/23.
AS-202



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(SECOND SESSION)

19/08/2023

[PUBLIC PETITION PURSUANT TO STANDING ORDER 213]

**BY NAIROBI SOUTH RESIDENTS ON STOPPAGE OF PUBLIC LAND
LR.NO 209/12621 GRABBING BY A PRIVATE DEVELOPER IN SOUTH B
SHOPPING CENTER IN NAIROBI CITY COUNTY.**

WE THE UNDERSIGNED Citizens of Kenya who are residents of Nairobi South within Nairobi City County.

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

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 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 of 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, Section 116 of the County Governments Act, 2012 imposes an obligation on the County Government and its agencies to deliver services within its

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designated area of jurisdiction and Section 117 (1) (a) of the Act 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, the Land LR.NO209/12612 located in South B shopping centre, Makuti area is a public Land where the Government had initially allocated for the Construction of a modern market;

THAT, the modern market would benefit the locals mostly by increasing employment opportunities, increasing quality of production, creating an environment for healthy competition and increasing consumer status;

THAT, Private developer has allegedly invaded and grabbed the said public land that was meant for the construction of the said modern market that would benefit the Nairobi South residents and Nairobians at large to better their lives;

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

AND THAT, all the matters in respect of which the petition is 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 ensure that; -

- a) The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans to facilitate and solve the dispute herein;
- b) The Nairobi City County Government in conjunction with the relevant organs to bring down the illegal structure being developed on the said land;
- c) The said land be surrendered back to the Nairobi City County Government and give appropriate deed plans in respect to the public utility land in issue herein; and
- d) The Nairobi City County Government to secure the said Land and hold it in trust on behalf of the traders and Nairobians at large.

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And your Petitioners will forever pray.

Presented by;

Hon. Waithera Chege, MCA-Minority Whip

On behalf of;

- The Residents of Nairobi South

And by extension;

- All residents of Nairobi County.