

LANDS/2016/7

REPUBLIC OF KENYA



*Paper Laid*  
*By Hon. Moses. O. Sakuda*  
*MC - DC - Lands on*  
*Thurs. 06.08.2015 (pm)*  
*Mmm*

PARLIAMENT  
OF KENYA  
LIBRARY

ELEVENTH PARLIAMENT - THIRD SESSION - 2015



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON LAND CONFLICT IN KEDONG RANCH

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

AUGUST, 2015

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## **ABBREVIATIONS/ACRONYMS**

IDPS – Internally Displaced Persons

NLC – National Land Commission

RLA – Registered Land Act

RTA – Registration of Titles Act

## **ANNEXES**

A. Various Correspondences

B. Committee Minutes

C. Submission from the National Land Commission

D. Submission from the Ministry of Lands, Housing and Urban Development

## **1.0 PREFACE**

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 216(1) and (5) of the National Assembly, it is my pleasant and honor to present to this House the Report on Land Conflict in Kedong Ranch.

The fact finding visit was necessitated by the serious concerns raised by the Member of Parliament for Naivasha Constituency, the Hon. John Kihagi, M.P. On January 27<sup>th</sup> 2015, The Member of Parliament for Naivasha Constituency, informed the Committee that:-

- a) The conflict between the Utheri wa Lari Cooperative Society and members of the KITET Maasai Community over the ownership of Kedong ranch in Naivasha has been in Court until recently when the Court issued a ruling in favour of Utheri wa Lari Cooperative members who have title deed to the land;
- b) After the ruling, the Members of the cooperative Society organised for a thanksgiving prayers on the land during which violence erupted resulting in the death of two people;
- c) The Maasai Community who claim ownership of the land appealed the ruling and as such Utheri wa Lari Cooperative Society members cannot access the land until the appeal is heard and determined.

## **1.1 MANDATE OF THE COMMITTEE**

The Committee is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204(Committee on

Appointments); and

- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

## **1.2 COMMITTEE MEMBERSHIP**

The Committee comprises of the following Members:

1. The Hon. Alex Mwiru, M.P. (Chairperson)
2. The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)
3. The Hon. Onesmas Ngunjiri, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Francis W. Nderitu, M.P.
7. The Hon. Francis Njenga, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Eusilah Jepkosgei, M.P.
10. The Hon. Benard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. Oscar Sudi, M.P.
13. The Hon. Hellen Chepkwony, M.P.
14. The Hon. Sarah Korere, M.P.
15. The Hon. Julius Ndegwa, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Kanini Kega, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Gideon M. Mung'aro, M.P.
20. The Hon. Hezron Awiti Bollo, M.P.
21. The Hon. Suleiman Dori Ramadhani, M.P.
22. The Hon. George Oner Ogalo, M.P.

- 23. The Hon. Lekidime L. Mathew, M.P.
- 24. The Hon. Shakila Abdallah, M.P.
- 25. The Hon. Paul Otuoma, M.P.
- 26. The Hon. Thomas Mwadeghu, M.P.
- 27. The Hon. Magwanga Joseph Oyugi, M.P.
- 28. The Hon. Aburi Lawrence Mpuru, M.P.
- 29. The Hon. King'ola Patrick Makau, M.P.

### **1.3 MEETINGS AND VISIT TO KEDONG RANCH**

- 1.3.1 The Committee resolved to undertake an inspection visit to Kedong ranch to appraise itself with the matters on the ground. The Committee thereafter visited the area on 14<sup>th</sup> February 2015 and received evidence from the Kitet Maasai Community and the Utheri wa Lari Cooperative Society group members;
- 1.3.2 The Committee visited Elwai in Mai Mahiu, Satellite sub location on Friday 13<sup>th</sup> February, 2015 where it took evidence from the Maasai community residing in the area. Mr. Meitiak Lengume, Mr. Kennedy Pulei and Ms. Mama Pastalian Noolosho presented their evidence on behalf of the Maasai Community;
- 1.3.3 On Friday 13<sup>th</sup> February, 2015, the Committee visited Mai Mahiu Shopping Centre where it received evidence from Utheri wa Lari Cooperative Society officials Messrs. Steven Muiru, Mr. Peter Ndung'u and Mr. Margaret Njenga.
- 1.3.4 The following Members undertook the inspection visit:-
  - 1. The Hon. Alex Mwiru, M.P. - **Chairperson**
  - 2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
  - 3. The Hon. Onesmus Ngunjiri, M.P.
  - 4. The Hon. Hellen Chepkwony, M.P.
  - 5. The Hon. John Kihagi, M.P.
  - 6. The Hon. Shakila Abdallah, M.P.
  - 7. The Hon. Mathew L. Lempurkel, M.P.
  - 8. The Hon. Francis W. Nderitu, M.P.
  - 9. The Hon. Dr. Paul Otuoma, M.P.
  - 10. The Hon. Ali Shariff, M.P.
  - 11. The Hon. Joseph Oyugi Magwanga, M.P.
  - 12. The Hon. George Oner, M.P.

13. The Hon. Bernard Bett, M.P.

14. The Hon. Sarah Korere, M.P.

#### **1.4 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

Having held meetings, undertaken the fact finding visit and considered the submissions presented, the Committee made the following general observations and recommendations:-

##### **1.4.1 OBSERVATIONS:**

The Committee made the following observations

- i. There are intercommunal tensions in the area as the Land in question has a history of communal tensions leading to tribal conflict which may recur if the matter is not addressed conclusively;
- ii. The National Land Commission is already involved in the matter;
- iii. The Kitet Maasai Community was predominantly nomadic and therefore continuously moved around with livestock in and out of the area in question;
- iv. The court has issued several rulings on the matter;
- v. The Maasai Community claim ownership to the land on the basis of ancestral land ownership while the Utheri wa Lari Members claim ownership on a willing seller willing buyer basis;
- vi. Many of Utheri wa Lari shareholders who fled from Karina, Kigecha, Satellite and Utheri wa Lari centers live as IDPS in Mai Mahiu town;
- vii. The real owners of the Land according to the submissions received from relevant government Agencies are members of Lari Holdings.

##### **1.4.2 RECOMMENDATION**

The Committee made the following recommendations:-

- a) The National Land Commission and the Ministry of Lands, Housing and Urban Development should take appropriate action of retribution for the Kitet Maasai by way of settlement on existing public land in the area or purchase of alternative land by the Ministry.
- b) The National Lands Commission should submit a legal framework on Historical Land injustices for consideration by the National Assembly to guide any cases of claims on historical land injustices.

- c) The National Cohesion and Integration Commission in collaboration with the Nakuru County Government and other stakeholders should promote peace in the area with immediate effect;
- d) The Ministry of Interior and Coordination of national Government should enhance security in Satellite Sub location.

### **1.5 ADOPTION OF THE REPORT**

The Members of the Departmental Committee on Lands have pursuant to Standing order 199 adopted this report on Land Conflict in Kedong Ranch as affirmed by the attached Annex I on Friday 29<sup>th</sup> May 2015.



## 1.6 ACKNOWLEDGEMENT

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

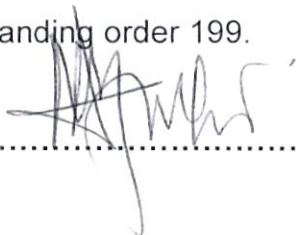
I take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

The Committee is also grateful to all the witnesses who made submissions and presentations before the Committee during the fact finding visit. Their Contributions gave the Committee the much needed insights into the issues under investigations and possible solutions.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this Report on Land Conflict in Kedong Ranch to the House pursuant to the provisions of Standing order 199.

SIGNED .....



DATE .....

29/5/2015

(HON. ALEX M. MWIRU, MP)

CHAIRPERSON

## **2.0 BACKGROUND**

- 2.0.1 The Kedong Ranch land measures approx. 19.211 acres and is located in the South Western side of Kijabe in Nakuru County;
- 2.0.2 The dispute is between the Kitet Maasai Community and Lari Holdings Limited. The Maasai Community claims to have been in continuous occupation of the land since time immemorial. On this basis they are claiming interest in the land by adverse possession;
- 2.0.3 Lari Holding Limited also claims that they are the registered owners of the land. Lari Holdings bought LR. No. 11192 and LR. No. 376 in 1986 from Kedong Ranch Limited, and LR. No. 8396 from Akira Ranch in 1973;
- 2.0.4 The Matter has been in Court until recently when the Court issued a ruling in favour of Utheri wa Lari Cooperative members who have title deed to the land, but the Kitet Maasai Community who claim ownership of the same land appealed the ruling and as such the Utheri wa Lari Cooperative members cannot access the land until the appeal is heard and determined.

## **2.1 MEETING WITH THE MAASAI COMMUNITY**

The Committee visited Elwai in Mai Mahiu, Satellite sub location on Friday 13<sup>th</sup> February, 2015 where it took evidence from the Maasai community residing in the area. Mr. Meitiak Lengume, Mr. Kennedy Pulei and Ms. Mama Pastalian Noolosho representing the residents informed the Committee as follows, that:-

- 2.1.1 The Kitet Maasai community have since time immemorial lived in the said parcels of land communally under the principle of advance possession and in accordance with Maasai customary land laws and practice;
- 2.1.2 The Kedong Valley is the area where Kedong Valley Massacre took place on 26<sup>th</sup> November 1885, and it is the clear indication that the land belongs to the Maasai community;
- 2.1.3 The Maasai had always been in occupation of the said land parcels Numbers 11192 (Originally parcels No's. 373, 374, 375, 376 and 377 vide leasehold granted on 24<sup>th</sup> February 1912 by the H.M King George V. to one H.G. Hardyold by the colonial Government. It is situated along Ewaso Kedong Valley;
- 2.1.4 The land was grabbed after independence by people who were dispossessed of their land in Central province and they colluded with some politicians to secretly

- buy out the White-settlers after independence while the white settler was leaving the Country;
- 2.1.5 The Maasai Community was kept in the dark about the transactions and only learnt much later around 1985 that the land on which they were living had new owners, henceforth they were squatters;
- 2.1.6 The buyers eventually started enquiring about the location of their land and to be shown their portions;
- 2.1.7 The allocation of the above mentioned parcels of land to other communities has led to various land clashes between the Maasai and Kikuyu communities;
- 2.1.8 In 2005 the two communities fought over water and pastures, and the provincial administration and the political elites from the Kikuyu community attacked the members of the Maasai community. They were attacked with helicopters, intimidated, tortured, arrested and some were killed during the 2005 attacks;
- 2.1.9 In 2011 the Maasai Community went to Court and shareholders of Utheri wa Lari Company Limited were served with restraining orders not to enter the land. However the Court of Appeal ruled that a restraining order only lasts for one year;
- 2.1.10 The Court rulings prompted the shareholders of Utheri wa Lari Company Limited to claim that the land is theirs since they have won the case;
- 2.1.11 The Maasai Community was surprised when shareholders of Utheri wa Lari Company Limited toured the area in big numbers, this caused anxiety and led to confrontation between the two Communities. The incident left two people from the dead and several others injured;
- 2.1.12 The elders urged the Committee to intervene and solve the problem before it results to communal clashes, as has been the case in the past.

## **2.2 MEETING WITH THE Utheri wa Lari COOPERATIVE SOCIETY MEMBERS**

The Committee visited Mai Mahiu Shopping Centre on Friday 13<sup>th</sup> February, 2015 where it received evidence from Utheri wa Lari Cooperative Society. Messrs. Steven Muiru, Peter Ndung'u and Margaret Njenga representing the society informed the Committee that:-

- 2.2.1 The shareholders of Utheri wa Lari Company Limited are the bonafide owners of a 22,000 acre ranch since they hold title deeds to the land. There are 8,000 shareholders, most of them drawn from Kiambu while others from Nakuru and

- ii. W. H. Riddel
- iii. J. W. G. G. Williams
- iv. 1940 – G. de P. Calvile
- v. 1964 - Calvile Limited
- vi. 1968 – OI Magogo Limited
- vii. 1969 – Kedong Ranch Limited
- viii. 1986 – Lari Holdings Limited

2.3.3 The dispute is between the Kitet Maasai Community and Lari Holdings Limited. The Maasai Community claims to have been in continuous occupation of the land since time immemorial. On this basis they are claiming interest in the land by adverse possession;

2.3.4 Lari Holdings Limited is the registered owners of the land. It bought LR. No.11192 and LR. No. 376 in 1986 from Kedong Ranch Limited, and LR. No. 8396 from Akira Ranch in 1973, Lari Holding Ltd submitted an application for subdivision and change of user in 1995 through Gatome and Associates, Licensed Surveyor. The proposal was approved by the Central Authority in 1996 as per the Land Planning Act (Cap 303) now repealed. The land has now been subdivided into 7,986 parcels out of which 7,513 are agricultural while the remainders are non-agricultural;

2.3.5 The land was converted from RTA (Cap 281) to RLA (Cap 300). The resultant subplots are registered under RLA as Longonot/Kijabe Block 2 (Utheri wa Lari) Parcels No. 1-7, 956;

2.3.6 Most of the parcels have been registered in the names of individual shareholders of the company. The land registrar, Naivasha issues the titles to the shareholders on receiving a clearance letter from the company;

2.3.7 The land is occupied on one side by the Maasai Community and the Kedong Ranch on the other side towards the lake.

## **2.4 SUBMISSION FROM THE MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT**

The Committee received written submissions from the Ministry of Lands, Housing and Urban Development. The Committee learnt that:-

2.4.1 Kedong land was initially on LR No. 11192 (Naivasha) and measured approximately 19,211 acres. Upon conversion from RTA Cap 281 (repealed) to

RLA Cap. 300 (repealed) the above quoted LR No. changed to LONGONOT/KIJABE/BLOCK 2/Utheri Wa Lari. After subdivision, the original title deed for LR. No. 11192 was surrendered in exchange of 7956 resultant titles for each parcel; the rest were transferred to shareholders and green cards opened in the year 2000;

2.4.2 Kedong Ranch measures approx. 19.211 acres and is located in the South Western side of Kijabe in Nakuru County. The land is surveyed under LR No. 11192 & 376;

2.4.3 The property initially belonged to Ihagogo Estate Company before it was sold and transferred to Kedong Ranch LTD on 27<sup>th</sup> January, 1969; Kedong Ranch Ltd transferred the property to Lari Holdings Ltd on 9<sup>th</sup> October 1995 at a price of Kshs. 32,500,000;

2.4.4 Lari Holdings subdivided the Ranch into 7956 parcels, which were subsequently transferred to the shareholders;

2.4.5 A group known as Kitet Maasai community of P.O BOX 511992-0020, Naivasha wrote to the Permanent Secretary for Lands on 22<sup>nd</sup> July, 2008 citing harassment of their members by Members of Lari Holdings on what was allegedly their land by way of adverse possession. However, the Chief Land Registrar rejected the theory of adverse possession on the ground that:-

- a) The claimants had not occupied the land physically for a long period as alleged;
- b) No vesting orders had been obtained from any court of law in favor of adverse possession;
- c) The property had no encumbrances in the name of caveats, cautions or loan charges to hinder transfer of resultant parcel of land upon subdivisions;
- d) The surrender document of the original title was not defective as alleged by members of Kitet Maasai Community;
- e) Members of Kitet Maasai Community expressed bitterness because the District Land Registrar had refused to cancel the titles without court orders as demanded by their leaders;
- f) The land belonged to members of Lari Holding who bought it for valuable consideration of 32.5 million;

- g) The dispute has been a subject of a court case no. HCCC844 of 2003 that was concluded in favour of Kedong Ranch by extension Lari Holdings.

2.4.5 The real owners are members of Lari Holdings. A comprehensive list of members and their corresponding parcel numbers are appended under a separate cover.

### **3.0 COMMITTEE OBSERVATIONS**

**The Committee made the following observations, that:-**

1. There are intercommunal tensions in the area as the Land in question has a history of communal tensions leading to tribal conflict which may recur if the matter is not addressed conclusively;
2. The National Land Commission is already involved in the matter;
3. The Kitet Maasai Community was predominantly nomadic and therefore continuously moved around with livestock in and out of the area in question;
4. The court has issued several rulings on the matter;
5. The Maasai Community claim ownership to the land on the basis of ancestral land ownership while the Utheri wa Lari Members claim ownership on a willing seller willing buyer basis;
6. Many of Utheri wa Lari shareholders who fled from Karina, Kigecha, Satellite and Utheri wa Lari centers live as IDPS in Mai Mahiu town;
7. The real owners of the Land according to the submissions received from relevant government Agencies are members of Lari Holdings.

### **4.0 COMMITTEE RECOMMENDATIONS**

**The Committee makes the following Recommendations, that:-**

1. The National Land Commission and the Ministry of Lands, Housing and Urban Development should take appropriate action of retribution for the Kitet Maasai by way of settlement on existing public land in the area or purchase of alternative land by the Ministry.
2. The National Lands Commission should submit a legal framework on Historical Land injustices for consideration by the National Assembly to guide any cases of claims on historical land injustices.
3. The National Cohesion and Integration Commission in collaboration with the Nakuru County Government and other stakeholders should promote peace in the

area with immediate effect;

4. The Ministry of Interior and Coordination of national Government should enhance security in Satellite Sub location.

Annex 1  
ATTENDANCE LIST

DEPARTMENTAL COMMITTEE ON LANDS RETREAT  
SERENA BEACH RESORT & SPA, MOMBASA 27<sup>TH</sup> – 31<sup>ST</sup> MAY, 2015

DATE:

29<sup>th</sup> May 2015

AGENDA: ADOPTION OF THE REPORT ON KEDONG RANCH CONFLICT

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	CPMA	[Signature]
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)	V/Chair	[Signature]
3.	The Hon. Onesmas Ngunjiri, M.P.	m.	[Signature]
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.	Member	[Signature]
6.	The Hon. Francis W. Nderitu, M.P.	Member	[Signature]
7.	The Hon. Francis Njenga, M.P.	Member	[Signature]
8.	The Hon. A. Shariff, M.P.	Member	[Signature]
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	[Signature]
10.	The Hon. Benard Bett, M.P.	Member	[Signature]
11.	The Hon. Kipruto Moi, M.P.		
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	[Signature]
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P.	Member	[Signature]
16.	The Hon. Benson Mbai, M.P.	Member	[Signature]
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.		
19.	The Hon. Gideon M. Mung'aro, M.P.	Member	[Signature]
20.	The Hon. Hezron Awiti Bollo, M.P.	Member	[Signature]
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.	Member	[Signature]
23.	The Hon. Lekidime Lempurkel Mathew, M.P.	MP	[Signature]
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	m	[Signature]
26.	The Hon. Thomas Mwadeghu, M.P.	Member	[Signature]
27.	The Hon. Magwanga Joseph Oyugi, M.P.	MP	[Signature]
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.	Member	[Signature]



Annex II

Minutes

**MINUTES OF THE 158<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON SATURDAY 30<sup>TH</sup> MAY 2015, AT THE MASHUA CONFERENCE HALL, SERENA BEACH RESORT AND SPA, MOMBASA AT 9.00 AM**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Francis Njenga Kigo, M.P.
6. The Hon. Patrick Makau, M.P.
7. The Hon. A. Shariff, M.P.
8. The Hon. Bernard Bett, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. Julius Ndegwa, M.P.
11. The Hon. Hezron Awiti Bollo, M.P.
12. The Hon. Onesmus Ngunjiri, M.P.
13. The Hon. Hellen Chepkwony, M.P.
14. The Hon. Benson Mbai, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Gideon Mung'aro, M.P.
17. The Hon. Suleiman Dori, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.
19. The Hon. Joseph Oyugi Magwanga, M.P.
20. The Hon. Thomas Mwadeghu, M.P.

**ABSENT WITH APOLOGIES:**

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Sarah Korere, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Shakila Abdallah, M.P.

**ABSENT WITHOUT APOLOGY:**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE:**

**KENYA NATIONAL ASSEMBLY**

- |                           |   |                               |
|---------------------------|---|-------------------------------|
| 1. Mr. James Ginono       | - | Clerk Assistant I             |
| 2. Ms. Ruth Mwihaki       | - | Clerk Assistant III           |
| 3. Mr. Emmanuel Muyodi    | - | Clerk Assistant III           |
| 4. Ms. Christine Odhiambo | - | Legal Counsel II              |
| 5. Mr. Noah Arap Too      | - | Research and Policy Analyst I |
| 6. Ms. Rahab Chepkilim    | - | Audio Recorder                |

**MINUTE NO. DCK/LN/2015/ 535**

**PRELIMINARIES**

The Chairman called the meeting to order at 9.35 a.m. with a word of prayer.

He thereafter informed Members that the purpose of the Sitting was to finalize on the consideration Land Registration Amendment Bill 2015.

**MINUTE NO. DCK/LN/2015/536**

**CONSIDERATION AND ADOPTION OF  
THE REPORT ON LAND CONFLICT IN  
KEDONG RANCH**

The Committee Considered and adopted the report after being proposed by the Hon. Onesmus Ngunjiri, M.P and Seconded by the Hon. Dr. Paul Otuoma, M.P as follows:

**The Committee makes the following Observations: THAT**

- 1) There are intercommunal tensions in the area as the Land in question has a history of communal tensions leading to tribal conflict which may recur if the matter is not addressed conclusively;
- 2) The National Land Commission is already involved in the matter;
- 3) The Kitet Maasai Community was predominantly nomadic and therefore continuously moved around with livestock in and out of the area in question;
- 4) The court has issued several rulings on the matter;
- 5) The Maasai Community claim ownership to the land on the basis of ancestral land ownership while the Utheri wa Lari Members claim ownership on a willing seller willing buyer basis;
- 6) Many of Utheri wa Lari shareholders who fled from Karina, Kigecha, Satellite and Utheri wa Lari centers live as IDPS in Mai Mahiu town;
- 7) The real owners of the Land according to the submissions received from relevant government Agencies are members of Lari Holdings

**The Committee makes the following Recommendations: THAT**

1. The National Land Commission and the Ministry of Lands should take appropriate action of retribution for the Kitet Maasai by way of settlement on existing public land in the area or purchase of alternative land by the Ministry.
2. The National Lands Commission should submit a legal framework on Historical Land injustices for consideration by the National Assembly to guide any cases of claims on historical land injustices.
3. The National Cohesion and Integration Commission in collaboration with the Nakuru County Government and other stakeholders should promote peace in the area with immediate effect;
4. The Ministry of Interior and Coordination of national Government should enhance security in Satellite Sub location.

MINUTE NO. DCK/LN/2015/537

ANY OTHER BUSINESS

1. Kedong Ranch Conflict

Members were informed that there have been recent escalations in tensions between the Maasai (Kitet) Community and the Utheri Wa Lari Group members fueled by speculations that the area had attracted investors who were looking for land in the area to set up companies.

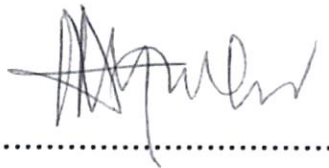
The Utheri wa Lari group members have equally set two dates for moving into the area in readiness for the planting season.

MINUTE NO. DCK/LN/2015/538

ADJOURNMENT

And the time being twelve minutes past 1 O'clock, the Chair adjourned the meeting.

SIGNED



(CHAIRPERSON)

DATE

30/5/2015

**MINUTES OF THE 132<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY, 10<sup>TH</sup> MARCH 2015, IN THE 11<sup>TH</sup> FLOOR BOARDROOM, PROTECTION HOUSE AT 10.30 A.M**

**PRESENT:**

1. The Hon. Francis W. Nderitu, M.P. - Chairing
2. The Hon. John Kihagi, M.P.
3. The Hon. A. Shariff, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. Esther Murugi, M.P.
10. The Hon. Gideon Mung'aro, M.P.
11. The Hon. Suleiman Dori, M.P.
12. The Hon. Dr. Paul Otuoma, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.
14. The Hon. Patrick Makau, M.P.
15. The Hon. Julius Ndegwa, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Onesmus Ngunjiri, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Shakila Abdallah, M.P.
12. The Hon. Mpuru Aburi, M.P.
13. The Hon. Hezron Awiti Bollo, M.P.

**ABSENT WITHOUT APOLOGY**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

**KENYA NATIONAL ASSEMBLY**

- |                        |                     |
|------------------------|---------------------|
| 1. Mr. James Ginono    | Clerk Assistant I   |
| 2. Ms. Ruth Mwihaki    | Clerk Assistant III |
| 3. Mr. Muyodi Emmanuel | Clerk Assistant III |
| 4. Mr. Lynnette Atieno | Legal Counsel II    |

**MINUTE NO. DCL/LN/2015/409**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.45 a. m with a word of prayer.

**MINUTE NO. DCL/LN/2015/410**

**ADOPTION OF THE AGENDA**

The agenda was adopted after being proposed by the Hon. John Kihagi, M.P and seconded by the Hon. Bernard Bett, M.P.

**MINUTE NO. DCL/LN/2015/412**

**CONSIDERATION OF THE REPORT ON  
THE CONFLICT IN KEDONG RANCH**

The Committee considered the report and proposed the following amendments; that:-

**The Committee makes the following observations**

- 1) There are intercommunal tensions in the area as the Land in question has a history of communal tensions leading to tribal conflict which may recur if the matter is not addressed conclusively;
- 2) The National Land Commission is already involved in the matter;
- 3) The Kitet maasai Community was predominantly nomadic and therefore continuously moved around with livestock in and out of the area in question;
- 4) The court has issued several rulings on the matter;
- 5) The Maasai Community claim ownership to the land on the basis of ancestral land ownership while the Utheri wa Lari Members claim ownership on the basis of a willing seller willing buyer;
- 6) Many of Utheri wa Lari shareholders who fled from Karina, Kigecha, Satellite and Utheri wa Lari centers live as IDPS in Mai Mahiu town;
- 7) The real owners of the Land according to the submissions received from relevant government Agencies are members of Lari Holdings.

**The Committee makes the following recommendations**

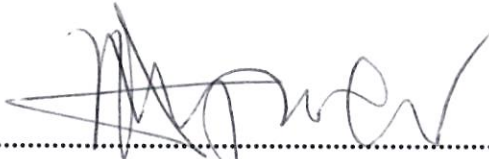
1. The National Land Commission and the Ministry of Lands should take appropriate action of retribution for the Kitet Maasai by way of settlement on existing public land in the area or purchase of alternative land by the Ministry.
2. The Ministry of Lands, Housing and Urban Development should submit a legal framework on Historical Land injustices for consideration by the National Assembly to guide any cases of claims on historical land injustices.

3. The National Cohesion and Integration Commission in collaboration with the Nakuru County Government should promote peace in the area with immediate effect;

**MINUTE NO. DCL/LN/2015/413      ADJOURNMENT & DATE OF THE  
NEXT SITTING**

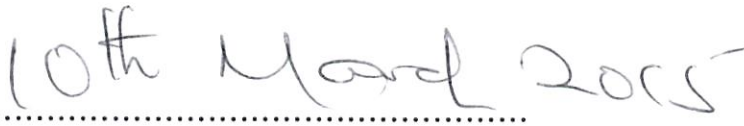
And the time being thirty Minutes past twelve O'clock, the Chairperson adjourned the Sitting to 12<sup>th</sup> March 2015.

**SIGNED**

  
.....

**(CHAIRPERSON)**

**DATE:**

  
.....

**MINUTES OF THE 130<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 5<sup>TH</sup> MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT BUILDINGS, AT 10.00 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Dr. Paul Otuoma, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Hellen Chepkwony, M.P.
2. The Hon. Shakila Abdallah, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Patrick Makau, M.P.

**ABSENT WITHOUT APOLOGY**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**



## MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1. Ms. Mariamu El Maawy      Principal Secretary, State Department of Lands  
2. Mr. Peter Kahuho              Ag. Secretary-Lands

## NATIONAL LAND COMMISSION

1. Mr. Tom Aziz Chavangi              Chief Executive Officer  
2. Mrs. Edith S.L. Olando              Deputy Director Land Administration

## KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono                      - Clerk Assistant I  
2. Ms. Ruth Mwihiaki                      - Clerk Assistant III  
3. Mr. Muyodi Emmanuel                - Clerk Assistant III  
4. Mr. Noah Arap Too                      - Research and Policy Analyst  
5. Mr. Lynnette Atieno                    - Legal Counsel  
6. Mr. Ahmed Yakub                        - Media Officer

## MINUTE NO. DCL/LN/2015/401

## PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

## MINUTE NO. DCL/LN/2015/402

## SUBMISSIONS FROM THE PRINCIPAL SECRETARY LAND ON KEDONG RANCH

The Committee was informed as follows, that:-

- a) Kedong land was initially on **LR No. 11192** (Naivasha) and measured approximately **19211 acres**. Upon conversion from **RTA Cap 281** (repealed) to **RLA Cap. 300** (repealed) the above quoted LR No. changed to **LONGONOT/KIJABE/Block 2/ Utheri Wa Lari**. After subdivision, the original title deed for LR. No. 11192 was surrendered in exchange of 7956 resultant titles for each parcel. The said resultant titles were transferred to shareholders and green cards opened in year 2000.
- b) The Ranch measures approx. 19,211 (Nineteen Thousands Two Hundred and eleven) acres and is located on the South Western side of Kijabe in Nakuru County. This land is surveyed under Land Reference (**LR No.11192 8 & 376**);
- c) The property initially belonged to Ihagogo Estate Company before it was sold and transferred to Kedong Ranch LTD on 27<sup>th</sup> January, 1969. Kedong Ranch Ltd transferred the property to Lari Holdings Ltd on 9<sup>th</sup> October 1995 at a price of Kshs. 32,500,000/= . Lari Holdings subdivided the Ranch into 7,956 parcels which were subsequently transferred to the shareholders;
- d) A group known as Kitet Masaai community of P. O. Box 511992-0020, Naivasha wrote to Permanent Secretary Lands on 22<sup>nd</sup> July, 2008 citing harassment of their members by Members of Lari Holdings on what was allegedly their land by way of adverse

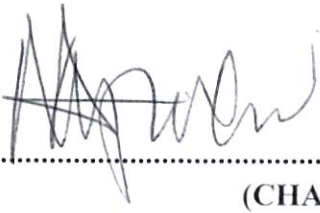
possession. However, the Chief Land Registrar rejected the theory of adverse possession on the ground that:

- e) The claimants had not occupied the land physically for a long period as alleged;
- f) No vesting orders had been obtained from any court of law in favour of adverse possession;
- g) The property had no encumbrances in the name of caveats, cautions or loan charges to hinder transfer of resultant parcels of land upon sub-divisions;
- h) The surrender Document of the original title was not defective as alleged by members of Kitet Maasai Community;
- i) Members of Kitet Maasai Community expressed bitterness because the District Land Registrar had refused to cancel the titles without court orders as demanded by their leaders;
- j) The land belonged to members of Lari Holding who bought it for valuable consideration of 32.5 million;
- k) The Dispute has been subjects of a court case no HCCC 844 of 2003 that was concluded in favour of Kedong Ranch by extension Lari Holdings.

**MINUTE NO. DCL/LN/2015/403**      **ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being thirty six Minutes past one O'clock, the Chairperson adjourned the Sitting to Friday 6<sup>th</sup> March 2015.

**SIGNED**

  
.....  
(CHAIRPERSON)

**DATE**

15<sup>th</sup> March 2015  
.....

**MINUTES OF THE 119<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 13<sup>TH</sup> FEBRUARY 2015, AT MAI MAHIU DIVISION, SETTELITE WARD AT 3.30 PM**

**PRESENT:**

- |  |   |                         |
|--|---|-------------------------|
| 1. The Hon. Alex Mwiru, M.P.             | - | <b>Chairperson</b>      |
| 2. The Hon. Moses Ole Sakuda, M.P.       | - | <b>Vice Chairperson</b> |
| 3. The Hon. Onesmus Ngunjiri, M.P.       |   |                         |
| 4. The Hon. Hellen Chepkwony, M.P.       |   |                         |
| 5. The Hon. John Kihagi, M.P.            |   |                         |
| 6. The Hon. Shakila Abdallah, M.P.       |   |                         |
| 7. The Hon. Mathew L. Lempurkel, M.P.    |   |                         |
| 8. The Hon. Francis W. Nderitu, M.P.     |   |                         |
| 9. The Hon. Dr. Paul Otuoma, M.P.        |   |                         |
| 10. The Hon. A. Shariff, M.P.            |   |                         |
| 11. The Hon. Joseph Oyugi Magwanga, M.P. |   |                         |
| 12. The Hon. George Oner, M.P.           |   |                         |
| 13. The Hon. Bernard Bett, M.P.          |   |                         |
| 14. The Hon. Sarah Korere, M.P.          |   |                         |

**APOLOGIES**

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Thomas Mwadeghu, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. Esther Murugi, M.P.
5. The Hon. Benson Mbai, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Francis Njenga Kigo,
8. The Hon. Hezron Awiti Bollo, M.P.
9. The Hon. Suleiman Dori, M.P.
10. The Hon. Gideon Mung'aro, M.P.
11. The Hon. Mpuru Aburi, M.P.
12. The Hon. Kipruto Moi, M.P.
13. The Hon. Julius Ndegwa, M.P.
14. The Hon. Kanini Kega, M.P.
15. The Hon. Patrick Makau, M.P.

**ABSENT**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

**KENYA NATIONAL ASSEMBLY**

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Mr. James Ginono   | Clerk Assistant I             |
| 2. Ms. Ruth Mwihaki   | Clerk Assistant III           |
| 3. Mr. Noah Arap Too  | Research and Policy Analyst I |
| 4. Mr. Muyodi Meldaki | Clerk Assistant III           |
| 5. Ms. Rahab          | Audio Officer                 |
| 6. Mr. Yakub Ahmed    | Media Relations Officers      |

MINUTE NO. DCK/LN/2015/350

PRELIMINARIES

The Chairman called the meeting to order at 3.30 p.m.

MINUTE NO. DCK/LN/2015/351

EVIDENCE FROM MR. MEITIAK  
LENGUME, MR. KENNEDY PULEI AND  
MS. MAMA PASTALIAN NOOLOSHO

The Committee was informed as follows: That:-

1. The Maasai community has lived in the said parcels of land communally under and in accordance with Maasai customary land laws and practice. They have lived on the land from time immemorial;
2. Kedong Valley is the area where Kedong Valley Massacre took place on 26<sup>th</sup> November 1985, and it is the clear indication that the land belongs to the Maasai community;
3. The Maasai had always been in occupation of the suit land parcels Numbers 11192 (Originally parcels Nos. 373,374,375 and 377 vide a leasehold granted on 24<sup>th</sup> February 1912 by the H.M King George V. to one H.G. Hardyold by the colonial Government situated along Ewaso Kedong Valley;
4. The land was grabbed after independence. The Mmembers of Kikuyu Community who had been dispossessed of their land in Central province colluded with some politicians to secretly buy out the White-settlers leaving the Country;
5. The Maasai Community was kept in the dark about the transactions and only learnt much later around 1985 that the land on which they were living had new owners when the new owners came inquiring about the location of their land and to be shown their portions. Henceforth they were squatters;
6. The allocation of the above mentioned parcels of land to other communities has led to various land clashes between the Maasai and Kikuyu communities;
7. In 2005 the two communities fought over water and pastures, and provincial administration and the political elites from the Kikuyu community attacked the members of the Maasai community. They were attacked with helicopters, intimidated, tortured, arrested and some were killed during the 2005 attacks;
8. In 2011 the Maasai Community went to court and shareholders of Utheri wa Lari Company Limited were served with restraining orders not to enter the land. However the Court of Appeal ruled that a restraining order only lasts for one year;
9. The Court rulings prompted the shareholders of Utheri wa Lari Company Limited to claim that the land is theirs since they have won the case;
10. The Maasai Community was surprised when shareholders of Utheri wa Lari Company Limited toured the area in big numbers, this caused anxiety and confrontation ensued between the two Communities. The incident left two from the Kikuyu people dead and several other injured;
11. The elders urged the Committee to intervene and solve the problem before it results to communal clashes as has been the case in the past.

The Committee met Utheri wa Lari group members and was informed as follows:


1. The shareholders of Utheri wa Lari Company Limited are the bonafide owners of a 22,000-acre ranch;
2. The group hold title deeds and the 8,000 shareholders; most of them drawn from Kiambu while others come from Nakuru and Muranga counties, bought the land at a cost of sh. 32.5 million from Kedong Ranch in 1974;
3. The shareholders cleared the loan in 1983, and the land was surveyed for five years that is between 1983 and 1988. In 1988 people balloted and settled in the land, and even built schools that is Utheri wa Lari Primary School and Ewaso primary school;
4. The shareholders of Utheri wa Lari Company Limited settled in the land between 1988 to 1992 but were chased away by the pastoral community during the tribal clashes in 1992;
5. Despite the 1992 and 19997 clashes the Kikuyu community did not move out of the land they instead continued farming
6. In 2002 when NARC government took power, the community was disappointed since the land problem between the two communities was not solved;
7. In 2006 one farmer who built a house on his parcel of land was murdered, this installed fear to the shareholders of Utheri wa Lari Company Limited;
8. In 2011 the Maasai Community went to High Court and shareholders of Utheri wa Lari Company Limited were served with restraining orders not to enter the land. But in July 2013 the shareholders of Utheri wa Lari Company Limited went to Court of Appeal and the Maasai Community failed to avail a copy of the title to proof ownership;
9. In 2014, the Court of Appeal ruled that a restraining order only lasts for one year, thus the shareholders of Utheri wa Lari Company Limited won the case;
10. After the Court rulings, Utheri wa Lari Shareholders went to tour the land, they were attacked in an incident that left two people dead and several other injured.

**The Committee observed, THAT:**

1. There were tensions in the area over the disputewhich if not resolved early might result to intercommunal clashes.
2. Many of Utheri wa Lari shareholdes who fled from Karina, Kigecha, Satellite and Utheri wa Lari centers live as IDPS in Mai Mahiu town.

And the time being six thirty, the Chairperson adjourned the Sitting.

SIGNED

  
 .....  
 (CHAIRPERSON)

DATE

29.5.2015  
 .....



Submissions from the  
Ministry of Lands, Housing  
and Urban Development.

① of Committees

② GUNONO  
pls deaf  
FA 23/2



**MINISTRY OF LAND, HOUSING & URBAN DEVELOPMENT**

Telegrams "MINILANDS", Nairobi  
Telephone: Nairobi 2718050  
When replying please quote

ARDHI HOUSE  
1<sup>st</sup> NGONG AVENUE  
OFF NGONG ROAD  
P.O. BOX 30450  
**NAIROBI**

Ref: MOLHUD/ADM/56

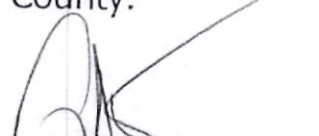
20<sup>th</sup> February, 2015

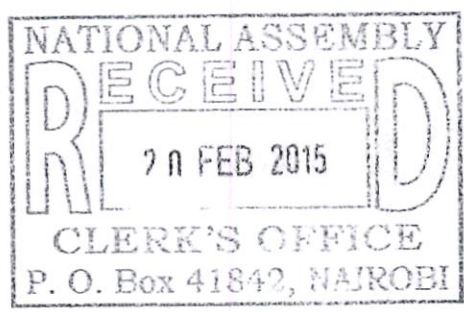
**Mr. Justin N. Bundi**  
Clerk of the National Assembly  
Parliament Road  
P. O. Box 1842 - 00100  
**NAIROBI**

**DEPARTMENTAL COMMITTEE ON LANDS – BRIEF TO THE  
COMMITTEE ON 22,000 ACRE, KEDONG RANCH IN NAKURU  
COUNTY**

Please refer to your letter Ref. KNA/DCL/CORR/2014 (101) dated 28th  
January, 2015.

Enclosed please find the brief on the 22,000 acre Kedong Ranch in Nakuru  
County.

  
**A. A. OMBIMA**  
**FOR: PRINCIPAL SECRETARY**



Encl.





## MINISTRY OF LAND, HOUSING & URBAN DEVELOPMENT

### DEPARTMENTAL COMMITTEE ON LANDS – BRIEF TO THE COMMITTEE ON 22,000 ACRE, KEDONG RANCH IN NAKURU COUNTY

1. History of the land dispute.
2. Details of the land (LR No's) and its current status.
3. Details of the real owner (s) of the land in dispute.

#### Location

Kedong Ranch measures approx. **19,211** (Nineteen Thousands Two Hundred and eleven) acres and is located on the South Western side of Kijabe in Nakuru County. This land is surveyed under Land Reference (LR **No.11192 & 376**).

#### History of the Land Dispute

This property initially belonged to **Ihagogo Estate Company** before it was sold and transferred to Kedong Ranch LTD on **27<sup>th</sup> January, 1969**.

Kedong Ranch Ltd transferred the property to Lari Holdings Ltd on 9<sup>th</sup> October 1995 at a price of **Kshs. 32,500,000/=**.

Lari Holdings subdivided the Ranch into **7956 parcels** which were subsequently transferred to the shareholders.

## Dispute

A group known as Kitet Masaai community of P. O. Box 511992-0020, Naivasha wrote to Permanent Secretary Lands on **22<sup>nd</sup> July, 2008** citing harassment of their members by Members of Lari Holdings on what was allegedly their land by way of adverse possession.

However, the Chief Land Registrar rejected the theory of adverse possession on the ground that:

- The claimants had not occupied the land physically for along period as alleged.
- No vesting orders had been obtained from any court of law in favour of adverse possession.
- The property had no encumbrances in the name of caveats, cautions or loan charges to hinder transfer of resultant parcels of land upon sub-divisions.
- The surrender Document of the original title was not defective as alleged by members of Kitet Maasai Community.
- Members of Kitet Maasai Community expressed bitterness because the District Land Registrar had refused to cancel the titles without court orders as demanded by their leaders.
- The land belonged to members of Lari Holding who bought it for valuable consideration of **32.5 million**.
- The Dispute has been a subject of a court case no **HCCC 844 of 2003** that was concluded in favour of Kedong Ranch by extension Lari Holdings.

## **Details of Land (LR. No.s) and its Current Status**

Kedong land was initially on **LR No. 11192 (Naivasha)** and measured approximately **19211 acres**.

Upon conversion from **RTA Cap 281** (repealed) to **RLA Cap. 300** (repealed) the above quoted LR No. changed to **LONGONOT/KIJABE/Block 2/Utheri Wa Lari**. After subdivision, the original title deed for LR. No.11192 was surrendered in exchange of 7956 resultant titles for each parcel. The said resultant titles were transferred to shareholders and green cards opened in year 2000.

**Details of the real owner (s) of the land in dispute**

From the foregoing, its clear that the real owners are members of Lari Holdings. A comprehensive list of members and their corresponding parcel numbers are appended under a separate cover for perusal.

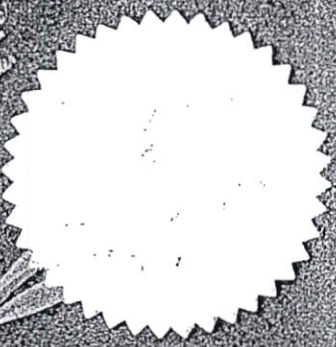


**Hon. Charity Kaluki Ngilu, EGH**  
**Cabinet Secretary**

13<sup>th</sup> February 2015



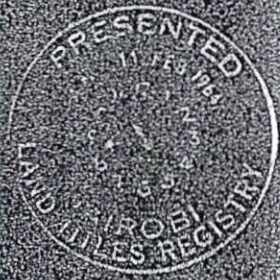
10/10/64



GOVERNMENT OF KENYA

ACT  
**THE REGISTRATION OF TITLES ORDINANCE**  
(Chapter 281)

359



GRANT: No. I.R.19976

ANNUAL RENT: Shs. 2900/- (revisable)

TERM: 943 years and 8 months  
from 1.1.1964

**KNOW ALL MEN BY THESE PRESENTS** that in pursuance of Surrenders registered in the Crown Lands Registry at Nairobi in Volume N.16 Folio 270/24 and in Volume N.20 Folio 425/17 the REGIONAL ASSEMBLY OF THE RIFT VALLEY REGION

HER GRANTOR AND COMMANDER IN CHIEF OF KENYA on behalf of Her Majesty GRANTOR MAJESTY QUEEN ELIZABETH THE SECOND and in pursuance of the powers vested in him hereby GRANTS unto COLVILLE LIMITED a limited liability company having its registered office at Nairobi (Post Office Box Number 30025) Kenya

(hereinafter called "the Grantee") ALL that piece of land situate South West of Kijabe Township in the Nakuru

District containing by measurement nineteen thousand two hundred and eleven acres or thereabouts that is to say Land Reference Number 11192 (Original Numbers 373 374 375 and 377)

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 79413 deposited in the Survey Records Office at Nairobi TO HOLD for the term of nine hundred and forty-three years and eight months

from the first day of January One thousand nine hundred and sixty-four SUBJECT to (a) the payment in advance on the first day of January in each year of the rents hereinafter prescribed (namely).—

**PROTECTORATE OF KENYA**

**DISTRICT OF NAKURU**

Locality S.W. of Kijabe Township

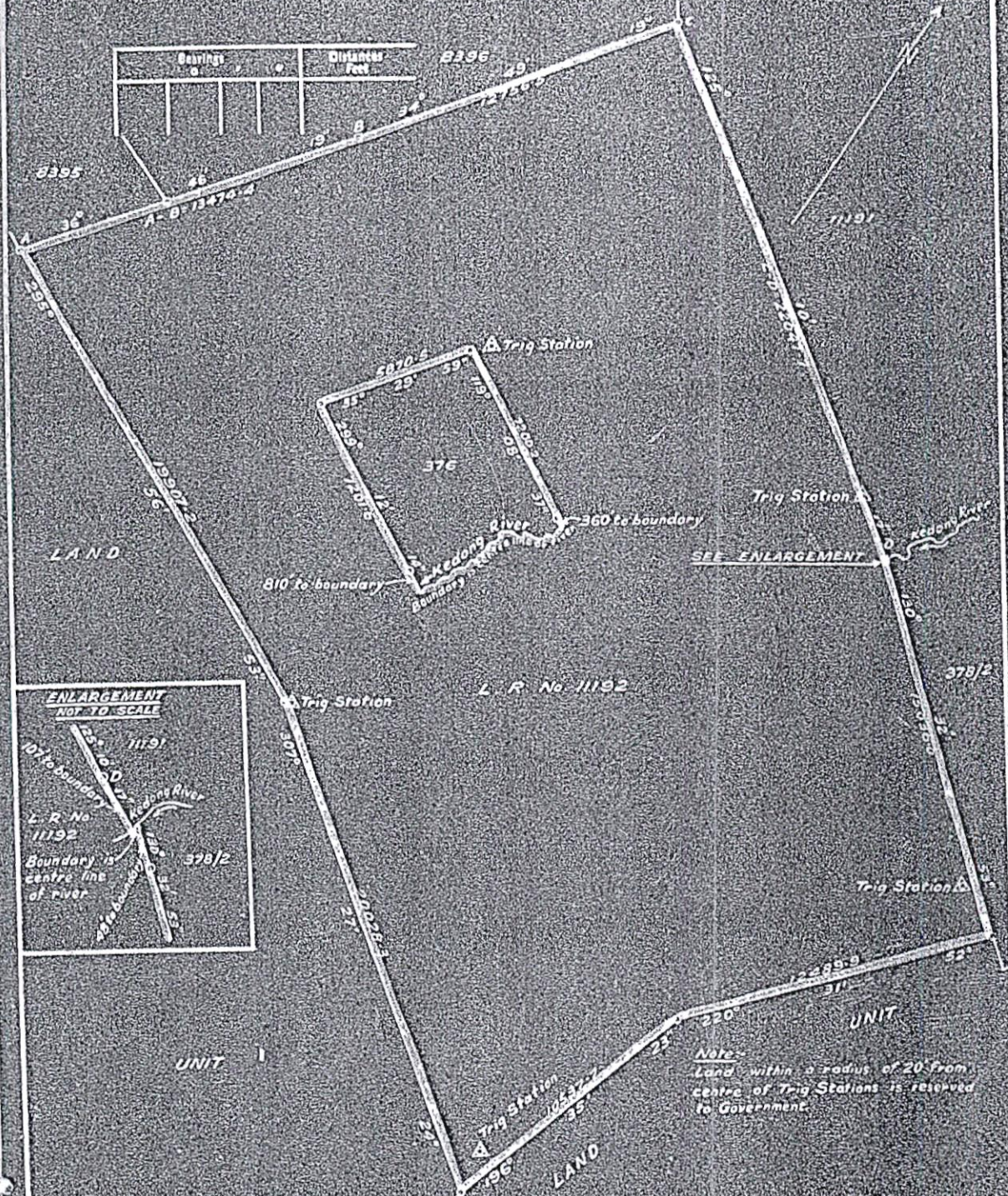
Meridional District  $\frac{\text{South A. 37}}{6 \ 1 \ 6} \ 36$   $\frac{\text{South A. 37}}{6 \ 2 \ 2} \ 1$

Land Reference No. 11192  
(Orig. No. 373, 374, 375 & 377)

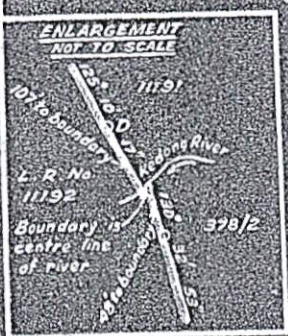
Subdivision No. \_\_\_\_\_ (Orig. No. \_\_\_\_\_)  
of Section No. \_\_\_\_\_

Scale: 1 in. 50,000 or 166.66 feet to 1 inch

Area = 19211 Acres (Approx.)



Bearings	Distances Feet



*Note:*  
Land within a radius of 20' from centre of Trig Stations is reserved to Government.

*A. F. Taylor*  
For Director of Survey  
Nairobi 10<sup>th</sup> December 1963

Traced by Sullivan  
Computed by S.A. [unclear]

Please quote this PLAN No. 794/3

C. C. in  
Consent  
394  
14/5/1968  
2

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Transfer to Ol Magozo Estate Ltd  
For Shs. 550000/-  
(with other lands)

Registration No. 394 Date of Registration 14.5.1968 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Transfer to Kedong Ranch Limited  
(For Shs. 720000/-) (with other lands)

535  
536  
7/1/69  
3

Registration No. 535 Date of Registration 27.1.1969 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Charge to The Agricultural Finance Corporation

4

Registration No. 536 Date of Registration 27.1.1969 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Notification of Charge by Agricultural Finance Corporation in pursuance of Section 20(2) of the Agricultural Finance Corporation Act (No 1 of 1969) Subject to Charge No. 4 above.

377  
9/7/75  
5

Registration No. 377 Date of Registration 12-8-1972 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Notification of Charge by Agricultural Finance Corporation in pursuance of section 20(2) of the Agricultural Finance Corporation Act (No 1 of 1969) Subject to Nos. 4 & 5 above.

660  
5/7/77  
6

Registration No. 660 Date of Registration 18.5.77 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Notification of charge by Agricultural Finance Corporation in pursuance of Section 20(2) of the Agricultural Finance Corporation Act cap. 323. Subject to Nos 4, 5, 6 above.

793  
7/8/80

Registration No. 793 Date of Registration 25/8/1980 Registrar of Titles  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Discharge of charge of No. 4 above (with above)

8

401 Date of Registration 9.10.1985 Registrar of Titles

Notification of Discharge of ...  
402 9.10.1955

*[Signature]*

Notification of Discharge of ...  
403 9.10.1955

*[Signature]*

Notification of Discharge of ...  
404 9.10.1955

*[Signature]*

Transfer to land holdings  
For Kshs 32,500, 00/100  
(with other lands).

*[Signature]*

405 9.10.1955

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WHERE

*Surrender to the Government of  
the Republic of Kenya in consideration  
of an approval of a land acquisition scheme.*

*[Signature]*

Presentation No. 1278 Date of Registration 23-5-94 Registrar of Titles



OFFICE OF THE DISTRICT OFFICER,  
P.O. BOX II,  
NAIVASHA.

LND. 16/9/3/VOL. I/.....

19th July, 1976

Mr/Mrs/Miss *John KIMIA MA*.....

...*K. P. MAU*.....

PLOT ALLOCATION - LONGONOT

It is with much pleasure to inform you that you have been allocated plot Number *457*..... in Longonot area. You are required to present this letter to the Chief of Longonot Location who will show you where your plot is situated. If you do not present yourself to the Chief within Thirty days commencing on *15th September 1976*.... it will be deemed that you are not interested in the plot and it will be allocated to somebody else.

Please, acknowledge the receipt of this letter.

( *MARIA MAINA* )  
DISTRICT OFFICER,  
NAIVASHA

MM/LNW.

The District Commissioner,  
NAKURU.

Chief,  
LONGONOT.



REPUBLIC OF KENYA

## MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

Telegraphic address.....  
Telephone: NAIVASHA 050 - 2030450  
If calling please ask for

NAIVASHA LANDS OFFICE  
P.O BOX 2070 - 20117  
NAIVASHA

.....  
When replying please quote

### ii) LONGONOT/KIJABE BLOCK.2 (UTHERI WA LARI)

Longonot Kijabe registration section was formally part of Land reference 11192 and Land reference 376 measuring a total of 19,211 acres. The parcels were initially owned by **IBAGOGO ESTATES LIMITED** who sold the Land to **KEDONG RANCH LIMITED** and later to **LARI HOLDINGS LIMITED**. Transfer to Lari Holdings Limited was effected on 9<sup>th</sup> October, 1985.

Surrender and subdivision of the titles were done as per the procedures provided and the District land registrar was given authority to issues individual titles under Cap. 300. The process of issuing individual titles commenced on 18<sup>th</sup> February, 2000. The process is still going on with over 90% of the titles issued and collected. There were originally 7956 parcels that were to be issued with titles.

There have been various litigation challenging the titles since Lari Holdings took ownership. So far, all the rulings have been in favour of Lari Holdings.

Thank You.

**DOUGLAS MOKUA**  
DISTRICT LANDS OFFICER  
NAIVASHA

## Annex III

Sample of title deed

Issued in Kedong Ranch.



REPUBLIC OF KENYA

THE REGISTERED LAND ACT

(Chapter 300)

# Title Deed

Title Number LONGONOT/KIJABE BLOCK 2/3878 (UTHERI WA LARI)

Approximate Area 0.6816 HECTARES

Registry Map Sheet No. \_\_\_\_\_

*This is to certify that* GEORGE NGANGA KARANJA

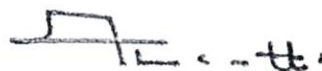
(ID/I34I655)

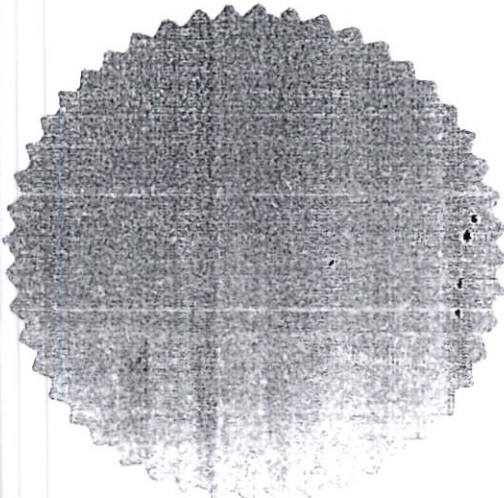
P. O. BOX 214, GILGIL.

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the  
NAKURU District Land Registry

this 7<sup>TH</sup> day of DECEMBER, 2005

  
Land Registrar





REPUBLIC OF KENYA

---

THE REGISTERED LAND ACT  
(Chapter 300)

# Title Deed

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MLS/TD/02/A2/02 N<sup>o</sup> 395470

Annex IV

Submissions from

Utheri wa ~~hari~~ Members

# UTHERI WA LARI MEMBERS

P.O. BOX 84,  
UPLANDS

EMAIL: [muirukinyanjui@gmail.com](mailto:muirukinyanjui@gmail.com)

---

Date.....

## PETITION BY THE MEMBERS OF UTHERI WA LARI TO THE PARLIAMENTARY COMMITTEE OF THE NATIONAL ASSEMBLY OF KENYA ON UTHERI WA LARI FARM.

We the members of Utheri wa Lari, in Maai Mahiu Division, Naivasha Sub-County, Nakuru County hereby present this petition to the Parliamentary Committee of The National Assembly of Kenya.

Utheri wa Lari is a parcel of land measuring approximately 22,000 acres within Maai Mahiu Division in Naivasha Sub-County and a few others from the rest of the country. The land was purchased by the members as a group numbering approximately 8,000 people, hence the majority own approximately 3 acres each.

Between 1988 and 1994 majority of these members had settled in their parcels of land. In 1996, most of these members were issued with title deeds for their respective lands legally under the Land Act (Cap 300).

However, in 1992 there were tribal clashes, which actually affected this particular area.

These members were driven out of their pieces of land by the neighboring Maasai Community making them internally displaced people (IDPs) back at that time.

Its worth noting that such IDPs have long been forgotten, though landless and actually residing at shopping centres such as Maai Mahiu, Kimende, Magina, Limuru, Githunguri, Gatundu, Kiambaa and other places without land they can call their own.

Numerous efforts to go back in these parcels of land have often been met with hostilities from certain individuals from the neighboring Maasai community. The ownership of Utheri wa Lari is certainly clear in government records where the original owners were, the white settlers, Kedong Ranching Company, Utheri wa Lari Holding Company Limited and eventually the ownership came through to these particular Members being the fourth legal owners of the land.

### HUMBLE REQUEST

- I. The government to provide security at Utheri wa Lari in the following manner
  - i) Put up a police station right in the farm. We have set aside land for that purpose.
  - ii) As soon as possible, the government sends police officers to this particular police station
  - iii) The government ban the excavation of stones and the harvesting of sand which is causing environmental destruction in our land.

# UTHERI WA LARI MEMBERS

P.O. BOX 84,  
UPLANDS

EMAIL: [muirukinyanjui@gmail.com](mailto:muirukinyanjui@gmail.com)

---

## CONCLUSION

Due to the suffering of the 1992 IDPs of Utheri wa Lari, we request the government to act as soon as possible noting that though in the camps, nevertheless they are landless and miserable. The help that you will offer to these people shall be highly appreciated and will continue praying to the Almighty God to guide you in your leadership.

*Signed on behalf of Utheri wa Lari Land Owners:*

Name

Signature

Stevven Muiru

-

Director

  
\_\_\_\_\_

James Kamau Gichanga

-

Director

  
\_\_\_\_\_



REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
HCC NO 315 OF 2010 (O.S)

KENNEDY PULEI & 9 OTHERS .....PLAINTIFFS

VERSUS

UTHERI WA LARI COMPANY LTD & 3 OTHERS..... DEFENDANTS

AND

PETER NDUNGU GODFREY NJIHIA & 203 OTHERS .....INTERESTED PARTIES

ORDER

THIS MATTER COMING UP for hearing of the applications dated 10/11/ 2014 and 11/11/2014 before **Hon. JUSTICE MUNYAO SILA** and Upon hearing submissions from the Counsels on record **AND UPON** having an off record discussion with the said counsels;-

**IT IS HEREBY ORDERED:**

1. THAT in lieu of arguing the two applications dated 10/11/2014 and 11/11/2014, it is hereby ordered that the balance that has been there over the years be maintained and all parties do maintain peace .
2. THAT the Originating Summons be disposed off expeditiously .
3. THAT the plaintiff's counsel do avail a copy of the title that can be read, file and serve a further supporting affidavit annexing what the plaintiffs are seeking claim to, as stipulated in Order 37.
4. THAT the defendants and Interested parties have leave to reply 14 days thereafter.



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**CIVIL SUIT NO. 315 of 2010(OS)**

**BETWEEN**

**IN THE MATTER OF LAND NO. LINGONOT/KIJABE BLOCK -2**  
**(UTHERI WA LARI COMPANY LIMITED) 1 TO 7956 NAKURU**

**AND**


**IN THE MATTER OF SECTION 38 OF THE LIMITATION OF ACTIONS ACT**  
**CHAPTER 22 AND ORDER XXXVI RULES 9(1), (20, 3D, 3F, 5, 8, 8A, 10, 11**  
**AND 12 OF THE CIVIL PROCEDURE(REVISED) RULES OF THE LAWS OF**  
**KENYA.**

KENNEDY PULEI .....	1 <sup>ST</sup> APPLICANT
TINANKA OLE KANTIM.....	2 <sup>ND</sup> APPLICANT
PASTOR SILAS OLE KOIL.....	3 <sup>RD</sup> APPLICANT
NEKURSAI OLE MUSEI.....	4 <sup>TH</sup> APPLICANT
KORIO OLE TUUKUO.....	5 <sup>TH</sup> APPLICANT
KINTALEL OLE NTINA.....	6 <sup>TH</sup> APPLICANT
SABAYA OLE KOTIKASH.....	7 <sup>TH</sup> APPLICANT
SENTO NGUSSUR OLE MASARI.....	8 <sup>TH</sup> APPLICANT
PAUL PARKINYIARO LEKERIN.....	9 <sup>TH</sup> APPLICANT
TEKERO OLE POREKA.....	10 <sup>TH</sup> APPLICANT

*(Suing on their own and on behalf of 513 members of Kedong Valley (Kitet) Masai Community whose names are set out to the schedule attached to this suit).*

**-VS-**

UTHERI WA LARI COMPANY LIMITED.....	1 <sup>ST</sup> RESPONDENT
THE CHIEF LAND REGISTRAR.....	2 <sup>ND</sup> RESPONDENT
THE DISTRICT LAND REGISTRAR .....	3 <sup>RD</sup> RESPONDENT
J.M. GATOME T/A GATOME & ASSOCIATES.....	4 <sup>TH</sup> RESPONDENT
PETER NDUNGU GODFFREY NJIHIA...204 <sup>TH</sup> PROPOSED INTERESTED PARTY AND 203 OTHERS	

**E. N. OMOTH & COMPANY**  
**ADVOCATES**  
**RECEIVED**  
Date:..... 04/02/2015  
Time: 9:30 AM Sign:   
P. O. Box 3165 - 00200, NAIROBI.



HEARING NOTICE

1. E.N OMOTII & CO. ADVOCATES  
REINSURANCE PLAZA, 5<sup>TH</sup> FLOOR,  
TAIFA ROAD,  
P.O. BOX 3165-00200,  
NAIROBI.
  
2. KENYATTA ODIWUOR & CO. ADVOCATES  
CARGEN HOUSE, 4<sup>TH</sup> FLOOR  
P.O BOX 41206-00100  
NAIROBI.
  
3. THE HONOURABLE ATTORNEY GENERAL,  
SHERIA HOUSE,  
P.O. BOX40112 -00100.  
NAIROBI.


TAKE NOTICE THAT this matter has been set down for Hearing on the 10<sup>th</sup> February ,2015 at 9.00 O'clock in the forenoon or so soon thereafter for our application dated 12th November 2014.

TAKE FURTHER NOTICE THAT in the event of non-attendance on your part, or any recognized representative, the matter shall proceed "ex-parte" your absence notwithstanding.

DATED at NAIROBI this ..... 2<sup>ND</sup> ..... day of ..... February ..... 2015.

  
NAIKENI, NGAAH & MIENCHA COMPANY  
ADVOCATES FOR THE PLAINTIFFS/APPLICANTS

DRAWN AND FILED BY:

  
NAIKENI, NGAAH & MIENCHA CO. ADVOCATES  
1<sup>ST</sup> FL/QR, EMBASSY HOUSE,  
OPPOSITE SHERIA HOUSE  
P.O. BOX 4916-00100  
NAIROBI.  
SG/LLN

REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAKURU  
CIVIL SUIT NO. 315 of 2010(OS)



BETWEEN

IN THE MATTER OF LAND NO. LINGONOT/KIJABE BLOCK -2  
(UTHERI WA LARI COMPANY LIMITED) 1 TO 7956 NAKURU

AND

IN THE MATTER OF SECTION 38 OF THE LIMITATION OF  
ACTIONS ACT CHAPTER 22 AND ORDER XXXVI RULES 9(1), (20, 3D,  
3E, 5, 8, 8A, 10, 11 AND 12 OF THE CIVIL PROCEDURE (REVISED)  
RULES OF THE LAWS OF KENYA.

KENNEDY PULEI ..... 1<sup>ST</sup> APPLICANT  
TINANKA OLE KANTIM..... 2<sup>ND</sup> APPLICANT  
PASTOR SILAS OLE KOIL..... 3<sup>RD</sup> APPLICANT  
NEKURSAI OLE MUSEI..... 4<sup>TH</sup> APPLICANT  
KORIO OLE TUUKUO..... 5<sup>TH</sup> APPLICANT  
KINTALEL OLE NTINA..... 6<sup>TH</sup> APPLICANT  
SABAYA OLE KOTIKASHI..... 7<sup>TH</sup> APPLICANT  
SENTO NGUSSUR OLE MASARI..... 8<sup>TH</sup> APPLICANT  
PAUL PARKINYIARO LEKERIN..... 9<sup>TH</sup> APPLICANT  
TEKERO OLE POREKA..... 10<sup>TH</sup> APPLICANT  
*(Suing on their own and on behalf of 513 members of Kedong Valley (Kitet) Masai  
Community whose names are set out to the schedule attached to this suit).*

VS

UTHERI WA LARI COMPANY LIMITED..... 1<sup>ST</sup> RESPONDENT  
THE CHIEF LAND REGISTRAR..... 2<sup>ND</sup> RESPONDENT  
THE DISTRICT LAND REGISTRAR ..... 3<sup>RD</sup> RESPONDENT  
J.M. GATOME T/A GATOME & ASSOCIATES..... 4<sup>TH</sup> RESPONDENT  
PETER NDUNGU GODFFREY NJHIA... 204<sup>TH</sup> PROPOSED  
INTERESTED PARTY AND 203 OTHERS

## CERTIFICATE OF URGENCY

I, **LUCAS LEPERES NAIKUNI** of Post Office Box Number 4916-00100 **NAIROBI** an Advocate of the High Court of Kenya practicing as a Senior Partner in the Law Firm of *Messrs Naikuni, Ngach & Mwencha Co. Advocates*, having the conduct of these proceedings on behalf of the Plaintiffs/Applicants do hereby certify that this application is of utmost urgency and should be heard on priority basis for the following REASONS;

1. **THE** Applicants are ordinarily residents of all the Parcel of *Land Reference Lonngonot/kijabe Block 2 (UtheriwaLari Company Limited) 1 to 7956* having been born and lived on the suit land from time immemorial
2. **THE** Applicants are aware that sometimes in the year 1996 the 2<sup>nd</sup> Respondent herein purported to issue the 1<sup>st</sup> Respondents with a title deed to the suit land despite strong protests and having disregarded the facts that the applicants had lived on the land without any interruption and continuously and hence were over riding interest, title and right over the land.
3. **DESPITE** the fact that there has been several inter community warfare and spill of blood over the issue of ownership, vide a letter dated 7<sup>th</sup> June 2010 the District Commissioner Lari wishes to revive the same by inciting the people residing on the suit land and therefore caused the Applicants to apply for temporary injunction orders from this Honourable Court.
4. **ON** 7<sup>th</sup> August 2013, this Honourable Court having considered the issues and facts presented by the Plaintiffs/Appellants vide their application dated 2<sup>nd</sup> April 2012 on record granted them temporary interim injunction orders pending the hearing and final determination of this suit.
5. **FROM** the time that the aforementioned orders were made, a lot of things have been taking place, hindering the progress or the Plaintiffs from taking any steps towards the advancement of this case whatsoever.
6. **TAKING** that a year has now lapsed from the day the orders were granted, there would be need to have the same orders extended accordingly to enable the status quo be maintained pending the hearing and final determination of this suit

IT is the duty of the Court, in the interests of Equity and conscience that the Orders be granted as herein prayed for and shall be declared nugatory.

DATED at NAIROBI this 12 day of NOVEMBER 2014.

NAIKUNI, NGAAH & MIENGLA COMPANY  
ADVOCATES FOR THE PLAINTIFFS/APPLICANTS.

DRAWN & FILED BY: -

NAIKUNI, NGAAH & MIENGLA CO. ADVOCATES  
EMBASSY HOUSE, 1<sup>ST</sup> FLOOR,  
HARAMBIE AVENUE,  
P.O. BOX 4916-00100,  
NAIROBI  
SG/JLN

(OUR REF: AK CVL 539 19)

TO BE SERVED UPON: -

1. E.N OMOTH & CO. ADVOCATES  
REINSURANCE PLAZA, 5<sup>TH</sup> FLOOR,  
TAIFA ROAD,  
P.O. BOX 3165-00200,  
NAIROBI.
2. KENYATTA ODIWUOR & CO. ADVOCATES  
CARGEN HOUSE, 4<sup>TH</sup> FLOOR  
\* P.O BOX 41206-00100  
NAIROBI.
3. THE DISTRICT LAND REGISTRAR,  
DISTRICT LAND REGISTRY,  
NAKURU.
4. THE CHIEF LAND REGISTRAR,  
ARTHI HOUSE,  
P.O. BOX 30089,  
NAIROBI.

Ch-1006  
KPL-15006  
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## NOTICE OF MOTION

*(Under Section 3, 4 & 5 of the Civil Procedure Act Cap 21 Order 1 Rules 19 & 20 of the Civil Procedure (Revised) Rules and any other enabling laws.)*

TAKE NOTICE that the Plaintiffs Applicants herein will move this Honourable Court on the 10<sup>th</sup> day of February, 2014 at 9'O'clock in the forenoon or so soon thereafter where their Counsel may be heard for the ORDERS:-

1. THAT this application be heard and certified as urgent and heard in the first instance "*ex parte*"
2. THAT the temporary injunction against the Defendants/Respondents by themselves, their agents, servants and/or personal assign **RESTRAINING** them severely from selling, wasting, damaging, using, alienating or in any other way interfering with all that parcel of land known as *Land Reg. No. Longonot/Kijabe Block 2 (Uthui Wa Lari Company Limited) 1-7956 Nakuru* be extended pending the hearing and final determination of this case heretofore.
3. THAT status quo to be maintained until the hearing and determination of this suit
4. THAT cost be in the cause.

THIS APPLICATION IS MADE on the following grounds;

1. THAT this is a very sensitive matter. The Plaintiffs have a strong case and that is the reason they sought this ruling and orders were granted to prevent blood shed from occurring.
2. THAT the situation on the ground is very volatile. Whereby the Court orders were to calm down the situation on the ground
3. THAT the Plaintiffs are still very keen and interested in perusing their matter ever since.



4. THAT the delays have been happening distracting the progress of the matter and for Defendants/Respondents filled an appeal on 17<sup>th</sup> October 2014 and the matter has continued being heard in Court on 3<sup>rd</sup> February 2014, 11<sup>th</sup> March 2014, 3<sup>rd</sup> July 2014 and 4<sup>th</sup> November 2014 where the court ordered it has no jurisdiction to hear the matter.
5. THAT at the same time, another group emerged claiming to be having land claim and right over the suit land and hereby and that applied to be enjoined as third party which orders were granted hereof.
6. THAT it is just fair that this orders are extended in order to provide a conducive and enabling environment for all parties as the matter is adjudicated on its merit.
7. THAT what is stated herein is true to the best of my knowledge, belief and information.

WHICH APPLICATION is supported by the averments of the affidavit of LUCAS LEPERES NAIKUNI and any other annexure, testimony, evidence, reason and/ or facts to be adduced during the hearing hereby.

DATED at NAIROBI this 12<sup>th</sup> day of NOVEMBER 2014

NAIKUNI, NGAAH & MENCHIA COMPANY  
ADVOCATES FOR THE PLAINTIFF/APPLICANTS.

DRAWN & FILED BY: -

NAIKUNI, NGAAH & MENCHIA CO. ADVOCATES  
EMBASSY HOUSE, 1<sup>st</sup> FLOOR,  
HARARIE AVENUE,  
P.O. BOX 4916-00100,  
NAIROBI.

SG/LLN

(Our Ref: AK-CVL-538-10)

TO BE SERVED BY

1. DEWEES & ASSOCIATES  
ARITH HOUSE, 2<sup>ND</sup> FLOOR,  
P.O. BOX 305-1100,  
NAIROBI.
2. KENYATTA ODIWUOR & CO. ADVOCATES  
CAROLINE HOUSE, 2<sup>ND</sup> FLOOR,  
P.O. BOX 41206-00100  
NAIROBI.
3. THE DISTRICT LAND REGISTRAR,  
DISTRICT LAND REGISTRY,  
NAKURU.
4. THE CHIEF LAND REGISTRAR,  
ARTHI HOUSE,  
P.O. BOX 30089,  
NAIROBI.

*"if any party served does not appear at the time and place above mentioned, such orders will be made and proceedings"*

## SUPPORTING AFFIDAVIT

I, **LUCAS LETURIA NAIKUNI** of Post Office Box 4916-00100 **NAIROBI** in the Republic of Kenya do hereby solemnly swear and state as follows:-

1. **THAT** I am an Advocate of the High Court of Kenya and a Senior Partner in the law firm of *Naikuni, Ngũgũ & Mlenchia Company Advocates* which has the conduct of this case on behalf of the Plaintiffs/ Applicants herein and therefore I am competent to swear this affidavit.
2. **THAT** I am aware that the Plaintiffs/ Applicants have been ordinarily residents of the suit land from the time immemorial and have been depending on the land for all their livelihood.
3. **THE** Plaintiffs/ Applicants have filed a very strong Pleading in form of the Originating summons with specific Orders of land evidence possession with an extreme high chance of succeeding.
4. **THE** Plaintiffs have been very keen and interested in having this matter heard and finally determined on merit and therefore it would be prudent and imperative that they are accorded that chance in court.
5. **THAT** the suit which is situated within the geographical area of Kedong Valley (Kitet) is specifically known as *Land Reference Lonngonoi/kijabe Block 2 (Utheri wa Lari Company Limited) 1 to 7956* which measures approximately 19,211 acres was initially is the subdivision from all that parcel of land known as L.R. No. 1119 and 376.
6. **THAT** this being a land matter it is much sensitive an issue which compelled the Plaintiffs/ Applicants to institute this case and they applied for temporary interim orders which were granted on 7<sup>th</sup> April 2013 and The Plaintiffs have a strong case and that is the reason they sought this ruling and orders were granted to avert blood shed from occurring (Annexed hereby and marked as "LLN-1" is a copy of the said Court ruling.
7. **THAT** the situation on the ground is very volatile which compelled them to file an application and hence obtained the temporary orders. The orders were meant to calm down the situation on the ground pending the hearing and final determination of the case thereof.

- 9. THAT the Defendants are still very keen and interested in perusing their matter
- 10. THAT it has been deliberate for the Plaintiffs/Applicants' failure from taking any steps in this matter but from the records, a lot of things at the instance of the Defendants and other parties hereof have happened distracting the mater. For instance, the Defendants/Respondents filled an appeal on 17<sup>th</sup> October 2014 on the same matters.
- 11. THAT the matter has continued being heard in Court of Appeal on; 3<sup>rd</sup> February 2014, 11<sup>th</sup> March 2014, 3<sup>rd</sup> July 2014 and 4<sup>th</sup> November 2014 where the court ordered it has no jurisdiction to hear the matter.
- 12. THAT additionally, there was another group of people who claim to be having some rights and interest on the suit land and hence applied to be enjoined as third party in this where the orders were granted.
- 13. THAT it is just fair that this orders are extended in order to provide a conducive and enabling environment for all parties as the matter is adjudicated on its merit.
- 14. THAT what is stated herein is true to the best of my knowledge, belief and information.

SWORN at NAIROBI by the said  
 LUCAS LEPPERS NAIKUNI  
 This 11<sup>th</sup> day of Nov 2014



*(Handwritten Signature)*  
 DEPONENT

COMMISSIONER FOR OATHS.

DRAWN & FILED BY: -

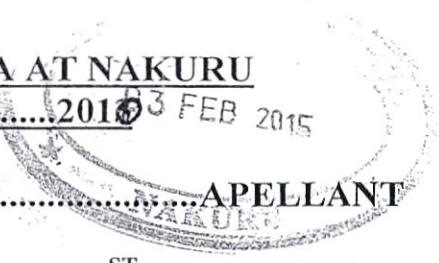
NAIKUNI, NGAAH & MIENCHA CO. ADVOCATES  
 EMBASSY HOUSE, 1<sup>ST</sup> FLOOR,  
 HAMBILI AVENUE,  
 P.O. BOX 4916 00100,  
 NAIROBI.  
 SG/LLN

(Our Ref: AK-CVL-538-10)

TO BE SERVED UPON: -

1. E.N OMOTH & CO. ADVOCATES  
REINSURANCE PLAZA, 5<sup>TH</sup> FLOOR,  
TAIFA ROAD,  
P.O. BOX 3165-00200,  
NAIROBI.
2. KENYATTA ODIWUOR & CO. ADVOCATES  
CARGEN HOUSE, 4<sup>TH</sup> FLOOR  
P.O BOX 41206-00100  
NAIROBI.
3. THE DISTRICT LAND REGISTRAR,  
DISTRICT LAND REGISTRY,  
NAKURU.
4. THE CHIEF LAND REGISTRAR,  
ARTHI HOUSE,  
P.O. BOX 30089,  
NAIROBI.

**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL OF KENYA AT NAKURU**  
**CIVIL APPLICATION NO. 315 OF 2010**



**UTHERI WA LARI COMPANY LTD.....APPELLANT**  
**-VERSUS-**

- KENNEDY PULEI.....1<sup>ST</sup> RESPONDENT**
- TINANKA OLE KANTIM.....2<sup>ND</sup> RESPONDENT**
- PASTOR SILASOLE KOIL.....3<sup>RD</sup> RESPONDENT**
- NEKURSAI OLE MUSEI.....4<sup>TH</sup> RESPONDENT**
- KORIO OLE TUUKUO.....5<sup>TH</sup> RESPONDENT**
- KINTALEL OLE NTINA.....6<sup>TH</sup> RESPONDENT**
- SABAYA OLE KOTIKASH.....7<sup>TH</sup> RESPONDENT**
- SENTO NGUSSUR OLE MASARI.....8<sup>TH</sup> RESPONDENT**
- PAUL PARKINYIARO LEKERIN.....9<sup>TH</sup> RESPONDENT**
- TEKERO OLE POREKA.....10<sup>TH</sup> RESPONDENT**
- THE CHIEF LAND REGISTRAR.....11<sup>TH</sup> RESPONDENT**
- THE DISTRICT LAND REGISTRAR.....12<sup>TH</sup> RESPONDENT**
- J.M.GATOME T/A GATOME & ASSOCIATES...13<sup>TH</sup> RESPONDENT**

*(An application for extension of time to lodge and serve Notice of Appeal from Ruling and Order of the High Court of Kenya at Nakuru) (the Honourable Lady Justice H.A Omondi ) dated 31<sup>st</sup> July 2013).*

IN  
**CIVIL SUIT NO. 315 OF 2010**

*7 days leave*

**KENNEDY PULEI & 9 OTHERS.....APPLICANTS**

**-VERSUS-**

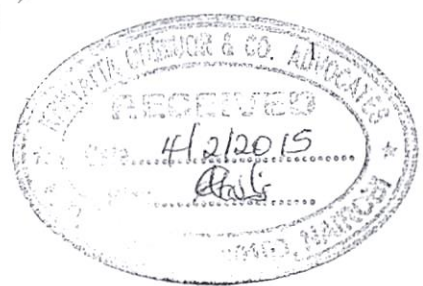
- UTHERI WA LARI COMPANY LTD.....1<sup>ST</sup> RESPONDENT**
- THE CHIEF LAND REGISTRAR.....2<sup>ND</sup> RESPONDENT**
- THE DISTRICT LAND REGISTRAR.....3<sup>RD</sup> RESPONDENT**
- J.M.GATOME T/A GATOME & ASSOCIATES.....4<sup>TH</sup> RESPONDENT**

AND  
**HCCC NO. 167 OF 2011**

*24 days*

*2 ruling*

*be basis for adverse possession - 3 witnesses - permanent structures*



1. UThERI WA LARI COMPANY LTD.....1<sup>ST</sup> APPLICANT

-VERSUS-

KENNEDY PULEI & 9 OTHERS.....RESPONDENTS

**REPLYING AFFIDAVIT BY THE PLAINTIFFS/APPLICANTS.**

I **KENNEDY PULEI** of Post office Box *Number 94* Ngong Hills in the aforesaid Republic do make oath and state as follows.

1. **THAT** I am a male adult of sound mind and understanding and the above named 1<sup>st</sup> Applicant with full control and authority by the other Plaintiffs/Applicants to deal and Plead in this matter on their behalf and therefore Competent to swear this Affidavit.
2. **THAT** I have read and fully understood the 17 paragraphed Supporting Affidavit of one **PETER NDUNGU GODFREY NJIHA** and therefore wish to respond as follows.
3. **THAT** from the very onset I am advised by my Advocates by on record which advise I verily believe to be true that the said application is frivolous, Scandalous, Vexitious an abuse of the law and due process and therefore it should be struck out and/or dismissed out rightly with costs at earliest opportunity possible in that:-
  - a) It purports to be praying and/or seeking for orders of injunction under order 40 (1), (2) and (3) of the Civil Procedure Rules yet such similar orders granted by this Honourable Court-Lady Justice Omondi on **31<sup>st</sup> July 2013** are still in force hence making the ones being sought by the Applicants interested parties herein not enforceable.
  - b) The above orders granted by this Honourable Court on **31<sup>st</sup> July 2013** have never been varied, set aside or vacated to allow room for any party to be seeking any other similar and fresh orders to speak Courts never issue orders in vain.
  - c) Furthermore, on perusal of the records in the court file, this Honourable Court declined to Grant the interested parties with any

other such orders on the Grounds that there already existed other similar court orders.

d) Clearly, the interested parties are coming to court with unclean hands by failing to disclose to court such relevant and important material facts. Therefore they are taking this Honourable Court for granted.

4. **THAT** the above notwithstanding I wish to respond to the averments raised under paragraphs 7 and 8 of the Supporting Affidavit in that the issues raised thereof are the issue forming the main gist and pith substance of this case and can only be determined on merit not through Affidavits during a full hearing as the interested Parties would want to imagine.

5. **THAT** in answer to the issues raised under Paragraph 5 of the Supporting Affidavit fully and vehemently denied that indeed any of the interested parties have been in actual possession active occupation of the suit land as that is a total mis-representation of fact misleading and/or irregular for the following reasons:-

a) The Plaintiffs/Applicants have repeatedly pleaded that they have from time memorial lived on the suit land with their families.

b) The Plaintiffs /Applicants have built schools permanent residences, cattle and other trading commercial entities there.

c) In their admission at security meeting covered in a news item carried out in a local daily "*The Standard*" of 27<sup>th</sup> January 2015, the interested party held *inter-alia*:-

(i). Muiru said verbatim that they settled there (suit land) only between the years 1988 to 1992 but were chased away by the pastoral Community during tribal clashes of 1992.

(ii). They went back there in 2011 and put up structures on the land. Clearly they have been away for over 20 years.

(Annexed hereto an marked as "*KP-14*" is an extract of the said news paper).

6. **THAT** the contents of paragraphs 6,7, and 8 are not contested.



7. **THAT** in answer to the allegations made out under paragraphs 9 of the Supporting Affidavit, I wish to state and on the advise by my Advocates on record which advise I verily believe to be true is that on *4<sup>th</sup> November 2014* the Application challenging the High Court orders of *31<sup>st</sup> July 2013* before the court of Appeal was withdrawn by the Respondents. This was on their stated for hearing on being advised by the said court that the said court had no jurisdiction to hear and determine matters pertaining to injunction issues which are ordinarily in the domain of the superior and lower Courts. They were advised that the Court of Appeal was therefore *functois officio* and not as being otherwise stated by the interested parties which is surely misleading this Honourable Court (Annexed as "*KP-15*" is a copy of the court order to that effect).
8. **THAT** in answer to the averments made out under paragraphs 10,11,12,13,14,15, and 16 of the Supporting Affidavit are all denied vehemently and do hereby reiterate the submissions already adduced by the Plaintiffs/Applicants herein in our pleadings in this case:- to wit.
- a) We have been in occupation of land for time immemorial and hence are making a claim of land adverse possession.
  - b) The interested Parties have never taken any actual possession of the suit land whatsoever as alleged.
  - c) There has never been any interference with the property of the interested parties as no such an issue exists.
9. **THAT** I wish to state that all the bulk of the certificate of title deeds annexed by the interested parties and marked "*PNGN-1*" are full of fraud, mistakes and omission and the Plaintiffs/Applicants shall be demonstrating this graphically during the full trial.

**PARTICULARS OF MISTAKES AND OMISSION OF THE CERTIFICATES OF TITLE DEEDS BY THE INTERSTED PARTIES**

---

- (a.) (i.) The following interested parties do not have title deeds as alleged as their purported title deeds have not been attached in the

said bundles and hence are just busy bodies with no "*locus standi*" in this matter.

- (ii) Mary wambui Gaitho- 1<sup>st</sup> Interested Party.
- (iii) Mary Wangui Mburu- 4<sup>th</sup> Interested Party.
- (iv) John Haman Muchiri- 30<sup>th</sup> Interested Party.
- (v) Wanjiku Kinyanjui- 73<sup>rd</sup> Interested Party.
- (vi) Gachoki Kihoi- 95<sup>th</sup> Interested Party.
- (vii) Mwaura Njunguna- 104<sup>th</sup> Interested Party.
- (viii) Elizabeth Gitiri Kago- 106<sup>th</sup> Interested Party.
- (ix) Joseph Muturi Mungai- 111<sup>th</sup> Interested Party.
- (x) Mwangi Ngaruyia- 112<sup>th</sup> Interested Party.
- (xi) James Mburu Kariuki- 124<sup>th</sup> Interested Party.
- (xii) Rahab Wanjiku Karanda- 126<sup>th</sup> Interested Party.
- (xiii) Raphael Gaturu co- 149<sup>th</sup> Interested Party.
- (xiv) Margaret Njoki Mwangi- 169<sup>th</sup> Interested Party.
- (xv) Petrer Ndungu Godffrey Njia- 204<sup>th</sup> Interested Party.

(b.) The following interested parties further do not have valid title deeds as the ones they posses were issued after an injunction dated **31<sup>st</sup> July 2013** issued by this Honourable Court prohibiting the issuance of the titles.

- i. Ruth Wanjiru Mwithaga- 85<sup>th</sup> Interested Party.
- ii. Jane Wangiri Kuria- 110<sup>th</sup> Interested Party.
- iii. Eluid Kiarie Njunguna- 103<sup>rd</sup> Interested Party.
- iv. Geoffrey Kimani Ngumba- 33<sup>rd</sup> Interested Party.

(c.) In essence the following groups, do not have legal capacity to sue in their own capacity:

- I. M/s Chira "A" Women Group- 10<sup>th</sup> Interested Party
- II. Ngubi Women &Men Group- 58<sup>th</sup> Interested Party
- III. M/s Wanjiku Njendu Women Group-84<sup>th</sup> Interested Party
- IV. Gacembe Gakoe Women Group-132<sup>nd</sup> Interested Party

**12. THAT** the interested Parties do not have a "*prima Facie*" case with any chance of being granted injunction. The balance of convenience is to retain the orders already in force. Taking that none of the Interested Parties have ever taken actual possession of the suit land, they do not stand to suffer any irreparable damage whatsoever. In view of the reasons adduced hereof the

said Application by the Interested Party lacks merit, good reason and justifiable cause of action and hence should be dismissed with costs.

13. **THAT** what is deponed hereto is true to the best of my knowledge, belief and interest hereof.

SWORN by the said )  
KENNEDY PULEI )

This 2<sup>nd</sup> day of FEB.....2015) )

*Kennedy*  
.....  
**DEPONENT**

BEFORE ME )



COMMISSIONER FOR OATHS )

**DRAWN & FILED BY:-**

NAIKUNI, NGAAH & MIENCHA COMPANY ADVOCATES,  
EMBASSY HOUSE, 1<sup>ST</sup> FLOOR,  
HARAMBEE AVENUE,  
P.O. BOX 4916 - 00100,  
**NAIROBI.**

(Our file ref: - AN - CVL - 599 - 11)

**TO BE SERVED UPON:-**

1. KENYATTA ODIWUOR & CO. ADVOCATES  
CARGEN HOUSE, 4<sup>TH</sup> FLOOR  
P.O BOX 41206-00100  
**NAIROBI.**
2. THE DISTRICT LAND REGISTRAR,  
DISTRICT LAND REGISTRY,  
**NAKURU**

3. THE CHIEF LAND REGISTRAR,  
ARDHI HOUSE,  
P. O BOX 30089,  
NAIROBI

4. E.N OMOTII & CO. ADVOCATES,  
REINSURANCE PLAZA, 5<sup>TH</sup> FLOOR,  
TAIFA ROAD,  
P. O BOX 3165-00200,  
NAIROBI



Lari MP Mburu Kahangara consoles George Ironji at Kijabe Mission Hospital last week on Sunday. Ironji was among those attacked during a tour of Kendong' ranch in Mai Mahiu on Saturday. (PHOTO: JOHN KARUME/STANDARD)

## Lari group insists 22,000-acre ranch is theirs

By JOHN KARUME

Shareholders of a Lari lands company have maintained they are the bonafide owners of a 22,000-acre ranch, which is also claimed by a neighbouring community.

Over the weekend, two people were killed and eight others injured following a dispute over the land.

Shareholders of Utheri wa Lari claimed the Kendong' ranch is theirs, saying they purchased it from colonialists between 1957 and 1983.

Led by Chairman Stephen Muiru, they told The Standard they hold the title deeds for the 22,000-acre piece of and located near Mai Mahiu in Nakuru County.

"We want the President himself to guide the county government on how to settle the integrated internally displaced persons since we are the bonafide owners of the land and we even hold title deeds," said the chairman on phone. According to him, the 8,000 shareholders; most of

them drawn from Kiambu while others comes from Nakuru and Murang'a counties, bought the land at a cost of Sh32.5 million.

Muiru said they settled there between 1988 to 1992 but were chased away by the pastoral community during the tribal crashes in 1992.

"We lived there for five years and had even built a school known as Utheri wa Lari primary, which is still there. The last batch of shareholders left in 2,000 due to fear of attack," said Muiru.

### LEGAL ACTION

He said in 2011, individuals went back and even put up structures on their land, after which a section of the pastoral community moved to court and secured a restraining order.

The chairman said on November 4, 2014, the Court of Appeal ruled that a restraining order only lasts for one year, thus the shareholders won the case since they are the genuine owners.

Last Saturday, when they went for a tour of the land accompanied by police officers, they were attacked in an incident that left two people dead and several other injured. One person is currently in the intensive care unit at Kijabe Mission Hospital.

Kiambu Governor William Kabogo who visited the injured in the hospital called upon the Cabinet Secretary for Internal Security Joseph Nkaisery to look into the matter and ensure justice is served.

"Kenya can choose where to stay in the country and no areas have been marked for selected tribes. It is therefore very unfortunate that this has happened when we are reconciling Kenyans against such activities and impunity," said Kabogo.

Area MP Mburu Kahangara called on Lands Cabinet Secretary Charity Ngilu and National Land Commission Chairman Mohamed Swazuri to ensure that shareholders of Utheri wa Lari get their land back since they are the genuine owners.

- Balance be maintained
- OS disposed of urgently.
- Leave 14 days F. Supp. Affidavit annexing what (order 37) all documents
- Leave to def 14 days (reply)
- potential witnesses (3) to be identified <sup>not more than 4</sup>
- 16<sup>th</sup> 12<sup>th</sup> March, 2015.  
statements. witness statements - too
- 12<sup>th</sup> March, 15 mn for directions.

# Annex V

Submissions from the National  
Lands Commission:

②. Given  
pls deaf  
FA  
10/2



111  
ID/Committees 144

**VICE CHAIR'S OFFICE**

Telegrams: "MINILANDS", Nairobi

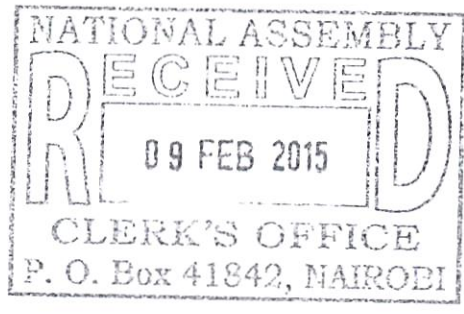
Telephone: Nairobi 2718050

**Ref: 6501**

ARDHI HOUSE  
NGONG ROAD  
P.O. Box 44417  
NAIROBI

Date: 9th **February, 2015**

**Justin Bundi, CBS**  
CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
P. O. Box 41842-00100  
**NAIROBI**



Dear

**RE: DEPARTMENTAL COMMITTEE ON LANDS – BRIEF TO THE  
COMMITTEE ON 22,000 – ACRE, KEDONG RANCH**

Please refer to your letter Ref. No. KNA/DCL/CORR/2014/ (102) dated 28<sup>th</sup> January, 2015 on the above matter.

The Commission has carried out some investigations and would like to comment as follows:

**THE LAND**

The land is situated in the Kijabe area in Naivasha Sub-county of Nakuru County. The original numbers were LR Nos. 373, 374, 375, 376 and 377 which were granted for 999 years from 8/6/1954. In 1964 they were purchased by Calvile Limited. They were amalgamated and the original titles surrendered in exchange for a new grant of LR No. 11192 with a leasehold period of 943 years from 1/1/1964. The total acreage was 20,215 acres (approximately).

**TRANSACTIONS ON THE LAND**

Since 1914 when it was created, the land has changed hands as follows:



- 1914 – G. N. Barker
- W. H. Riddel
- J. W. G. G. Williams
- 1940 – G. de P. Calvile
- 1964 – Calvile Limited
- 1968 – Ol Magogo Limited
- 1969 – Kedong Ranch Limited
- 1986 – Lari Holdings Limited

## **THE DISPUTE**

The dispute is between the Kitet Maasai Community and Lari Holdings Limited. The Maasai Community claims to have been in continuous occupation of the land since time immemorial. On this basis they are claiming interest in the land by adverse possession.

Lari Holdings Limited are the registered owners of the land. It bought LR No. 11192 and LR No. 376 in 1986 from Kedong Ranch Limited, and LR No. 8396 from Akira Ranch in 1973. It submitted an application for subdivision and change of user in 1995 through Gatome and Associates, Licensed Surveyor. The proposal was approved by the Central Authority in 1996 as per the Land Planning Act (Cap 303) *now repealed*. The land has now been subdivided into 7,956 parcels out of which 7,513 are agricultural while the remainders are non-agricultural. The land was converted from RTA (Cap 281) to RLA (Cap 300). The resultant subplots are registered under RLA as Longonot/Kijabe Block 2 (Utheri wa Lari) Parcels No. 1 – 7,956.

Most of the parcels have been registered in the names of individual shareholders of the company. The land registrar, Naivasha issues the titles to the shareholders on receiving a clearance letter from the company.

The land is occupied on one side by the Masai Community and the Kedong Ranch on the other side towards the lake.

We would however, like to ask for more time to enable us carry a comprehensive investigation and ground status report.

**Yours sincerely**



**MUHAMMAD A. SWAZURI PhD, OGW**  
**CHAIRMAN, NATIONAL LAND COMMISSION**

Annex VI

Submissions From

The Kitet Community.

MINISTRY OF LANDS

DEPARTMENT OF LANDS,  
P.O. BOX 1073  
NAKURU

DATE 16<sup>th</sup> December, 2008



Telegrams: LANDS  
Telephone: NAKURU 051-2213762  
When replying please quote:

REF: LONG KIABE BL.2 (22)

The Deputy Commissioner Lands (R)  
P.O. Box 30089  
NAIROBI

RE: LONGONOT/KIABE BLOCK 2 (UTHERI WA LARI)

Your letter Ref. No. NKU/A/27 VOL.VII/27/46 dated 20<sup>th</sup> November, 2008 refers and further to my letter Ref. No. LND.REG/GEN.VOL.II/17 dated 8<sup>th</sup> October, 2008.

The issuance of the said titles started a after instructions to issue the same vide letter Ref. No. 6501/156 dated 31<sup>st</sup> December 1997 by the then Chief Land Registrar, F.R.S. Onyango (copy attached for ease of reference). This was in furtherance of a subdivision of L.R. No. 11192 as indicated in letter Ref. No. AC/76/9/16 dated 22<sup>nd</sup> December, 1997 by the Director of Survey (copy attached).

It is, therefore, my considered opinion that the procedure of conversion and subsequent subdivision and preparation of RIM plus instructions to issue individual titles to members was followed.

D.K. NYANTIKA  
DISTRICT LAND REGISTRAR  
NAKURU

MINISTRY OF LANDS AND SETTLEMENT

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050-9/719010  
When replying please quote  
Ref. No. ....6501/156  
and date



DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI


31st December, 19.....97

The District Land Registrar,  
P.O. BOX 1073,  
NAKURU.

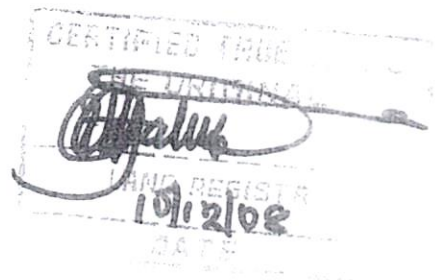
RE: L.R. NOS. 11192 and 376 - NAKURU DISTRICT  
(NOW LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI))

I enclose herewith copies of New Registry Index Map together with area list of sub-divisions of the above mentioned farms.

You can go ahead with the preparation and issuing of individual Titles as the Head Titles have now been surrendered to this office and the surrenders duly registered.

  
F. R. S. ONYANGO  
CHIEF LAND REGISTRAR

C.C.  
The Chairman,  
Lari Holdings Limited,  
P.O. BOX 200,  
UPLANDS.



MINISTRY OF LANDS AND SETTLEMENT



All Correspondence  
Should be addressed to:-  
Director of Surveys

SURVEY OF KENYA  
P.O. Box 30046, NAIROBI  
KENYA

22nd December 1997  
Date....., 19.....

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 718050  
Field Headquarters, Ruaraka  
Telephone: 802241-2

AC/76/9/16

Our Ref.....

District Land Registrar,  
P. O. BOX 1073,  
NAKURU.

Thru: Chief Land Registrar,  
P. O. BOX 30089,  
NAIROBI.

*6501*  
*Forwarded thru 5*  
*31.12.97*

RE: L.R NO. 11102 - NAKURU DISTRICT

Enclosed herewith please find copies of new Registry Index Map, along with area list of subdivisions of the above mentioned farm.

The following changes have occurred:-

<u>NEW REGISTRATIONS</u> <u>BLOCK</u>	<u>NEW PARCEL</u> <u>NUMBERS</u>	<u>NO. OF</u> <u>SHEETS</u>	<u>TYPE OF</u> <u>PROPERTY</u>
LOKONOT/KIJABE BLOCK 2 (SUNDERLAND PART)	1 - 7956	11	General

The RJM preparation fee is not charged for the job was submitted before November 1990.

*Atten*

Sarah Komu  
FOR: DIRECTOR OF SURVEYS

O.C. J. M. Gatoma,  
Licensed Surveyor,  
P. O. BOX 52144,  
NAIROBI.

GENUINE TRUE COPY OF  
*[Signature]*  
LAND REGISTRAR  
19/12/97  
DATE



REPUBLIC OF KENYA  
**MINISTRY OF LANDS**

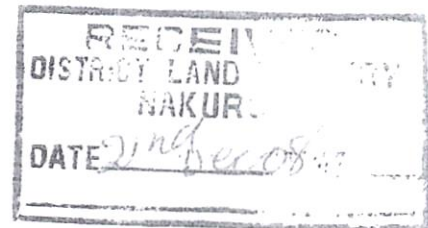
Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050-9  
When replying please quote

DEPARTMENT OF LANDS  
1<sup>st</sup> NGONG AVENUE  
OFF NGONG ROAD  
P. O. Box 30089  
NAIROBI

Ref No **NKU/A/27 VOL.VII/27/46**

**20<sup>th</sup> November, 2008**

District Land Registrar  
P.O. Box 1073  
**NAKURU**



**RE: LONGONOT/KIJABE BLOCK 2**  
**UTHERI WALARI**

*Yellow*

The Kitet Maasai Community have written a complaint to the Permanent Secretary claiming that they have been denied ownership to the insurance of Titles on the above mentioned parcel, the insurance of Titles which you stated started being issued on 28<sup>th</sup> February, 2000 (your letter Ref. LND REG VOL.II/17 of 18/10/2008) Copy of complaint letter attached.

This office need a detailed information over the whole issue.

Bring us the information as to how the whole issue started. Who were the original owners and how were the members made out.

You should forward this information urgently to enable us advise the Permanent Secretary.

  
**( M. JEMBE )**  
**FOR: DEPUTY COMMISSIONER LAND (R)**

**CC**

The Permanent Secretary  
Ministry of Lands & Settlement  
**NAIROBI**

Kitet Maasai Community  
P.O. Box 51992-00200  
**NAIROBI**

LNB 7/9/2



KITET MAASAI COMMUNITY  
P.O BOX 51992-00200,  
NAIROBI

22<sup>nd</sup> July 2008

PERMANENT SECRETARY,  
MINISTRY OF LANDS AND HOUSING,  
ARDHI HOUSE, 12<sup>th</sup> FLOOR  
P O BOX 30450,  
NAIROBI

*COL*  
*PLS give me a brief.*  
*24/7*

Dear Sir,

RE: HARASSMENT OF THE KITET MAASAI COMMUNITY LIVING ON LR NOS LONGCNOT/KIJABE BLOCK 2 (UTHERI WA LARI) PARCEL NOS. 1 TO 7956

We being the Kitet Maasai Community have been in continuous occupation of the above parcel of land since time in memorial.

In 1987 some members of Lari Holdings moved to the same land and started constructing semi permanent houses. We stayed peacefully until 1992 when tribal clashes started. They moved out peacefully on their own will. We made enquiries and came to understand that they had already sub- divided the parcels of land. We then wrote to Nakuru District Registrar about the subdivisions; how were carried and why we were left out. He never heard our complaint and he refused to hear us. We then appealed to the chief Land Registrar who also refused to hear us

The administration has frequently been harassing us and even threatening to evict us from the said parcels. We have had exclusive and adverse possession in use and control of the said land. We wish to state that the community has since the colonial era collectively and individually, exercised and continued to exercise on and in relation to the above land acts of ownership openly and conspicuously by among others;

- a) Erecting homes and settlements
- b) Keeping livestock
- c) Growing subsistence crops
- d) Installing water supply lines
- e) Constructing water dams and reservoirs
- f) Keeping off intruders and trespassers
- g) Constructing and running of schools and churches

*Handwritten signature and notes*

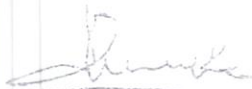


The said land is the only home and source of subsistence for the members of Kitet Community- exactly 750 families and others. Unless a remedy is found the community stands to suffer great and irreparable loss and damage. We whole heartedly anticipate your favorable consideration approval of our occupation of the suit land

Yours faithfully,



CHAIRMAN,  
NKOINE OLE PARKIRE



SECRETARY  
FRANCIS OLE SIMPANGI  
ON BEHALF OF KITET MAASAI COMMUNITY

Cc: Minister for lands and housing.

Hon. Professor George Saitoti M P Kajiado North.

M.P Naivasha

D C Nakuru

D O Naivasha

Sane & Company Advocates for the Community.

MINISTRY OF LANDS

Telegrams: LANDS  
Telephone: NAKURU 051-2213762  
When replying please quote:

DEPARTMENT OF LANDS,  
P.O. BOX 1073  
NAKURU



REF: LND.REG/GEN VOLII/17  
.....

DATE 8<sup>th</sup> October, 2008

The Chief Land Registrar  
P. O. Box 30089  
NAIROBI - Atten. J. K. Wanjau

RE: LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI)

Our telephone conversation on the 7<sup>th</sup> October, 2008 on the above subject refers.

This is to confirm that titles for the said farm started being issued on 28<sup>th</sup> February, 2000 and that members continue to collect their titles as per the records.

D. K. NYANTIKA  
DISTRICT LAND REGISTRAR  
NAKURU

file copy

MINISTRY OF LANDS

Telegrams: LANDS  
Telephone: NAKURU 051-2213762  
When replying please quote:

DEPARTMENT OF LANDS,  
P.O. BOX 1073  
NAKURU



REF: LND.REG/GEN VOLII/17

DATE 8<sup>th</sup> October, 2008

The Chief Land Registrar  
P. O. Box 30089  
NAIROBI - Atten. J. K. Wanjau

**RE: LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI)**

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D. K. NYANTIKA  
DISTRICT LAND REGISTRAR  
NAKURU



REPUBLIC OF KENYA

MINISTRY OF LANDS

Telegrams: "LANDS", Nairobi  
Telephone Nairobi 718050-9  
When replying please quote

DEPARTMENT OF LANDS  
P.O. BOX 30089  
NAIROBI

Ref: NKU/A/27/VOL.VIII/39

13<sup>th</sup> October, 2008

✓ District Land Registrar  
P.O. Box 1073  
**NAKURU**

**LONGONOT/KIJABE BLK.2 (UTHERI WA LARI) PARCEL1 TO 7956**

I enclose a self explanatory letter written by Chairman of Kitet Maasai Community dated 22<sup>nd</sup> July, 2008.

Respond by giving a brief as per the above so that I can advise the Permanent Secretary.

  
**J.K. WANJAU**  
**FOR: CHIEF LAND REGISTRAR**

C.C.

The Permanent Secretary  
Ministry of Lands  
**NAIROBI** Ref: LND 7/9/2.

Kitet Maasai Community  
P.O. Box 59992-00200  
**NAIROBI**

② Already dealt with  
DVR.

① Wanjau  
May I have the  
compendium file  
and registers file  
this section in  
the NA.  
DLR  
21/10/08

LND 7/9/2



KITET MAASAI COMMUNITY,  
P.O BOX 51992-00200,  
NAIROBI.

22<sup>nd</sup> July 2008

PERMANENT SECRETARY,  
MINISTRY OF LANDS AND HOUSING,  
ARDHI HOUSE, 12<sup>th</sup> FLOOR  
P.O BOX 30450,  
NAIROBI.

Dear Sir,

RE: HARASSMENT OF THE KITET MAASAI COMMUNITY LIVING ON  
LR.NOS.LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI) PARCELS NOS.1 TO 7956

We being the Kitet Maasai Community have been in continuous occupation of the above parcel of land since time in memorial.

In 1987 some members of Lari Holdings moved to the same land and started constructing semi permanent houses. We stayed peacefully until 1992 when tribal clashes started. They moved out peacefully on their own will. We made enquiries and came to understand that they had already sub- divided the parcels of land. We then wrote to Nakuru District Registrar about the subdivisions; how were carried and why we were left out. He never heard our complaint and he refused to hear us. We then appealed to the chief Land Registrar who also refused to hear us.

The administration has frequently been harassing us and even threatening to evict us from the said parcels. We have had exclusive and adverse possession in use and control of the said land. We wish to state that the community has since the colonial era collectively and individually, exercised and continued to exercise on and in relation to the above land acts of ownership openly and conspicuously by among others;

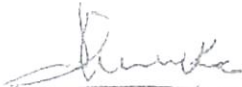
- a) Erecting homes and settlements
- b) Keeping livestock
- c) Growing subsistence crops
- d) Installing water supply lines
- e) Constructing water dams and reservoirs
- f) Keeping off intruders and trespassers
- g) Constructing schools and churches

The said land is the only home and source of subsistence for the members of Kitet Community- exactly 750 families and others. Unless a remedy is found the community stands to suffer great and irreparable loss and damage. We whole heartedly anticipate your favorable consideration approval of our occupation of the suit land.

Yours faithfully,



CHAIRMAN,  
NKOINE OLE PARKIRE



SECRETARY,  
FRANCIS OLE SIMPANOI  
ON BEHALF OF KITET MAASAI COMMUNITY.

Cc: Minister for lands and housing.

Hon. Professor George Saitoti M.P Kajiado North.

M.P Naivasha

D.C Nakuru

D.O Naivasha

Sane & Company Advocates for the Community.

Telegrams: LANDS  
Telephone: NAKURU 051-2213762  
When replying please quote:

## MINISTRY OF LANDS



DEPARTMENT OF LANDS,  
P.O. BOX 1073  
NAKURU

REF: LONG.KIJABE BL.2 ( 8)

DATE 30<sup>th</sup> April, 2008

The District Land Adjudication &  
Settlement officer  
P. O. Box 84  
NAKURU

**REF: LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI)**

The above Land Buying Company refers:-

Registration on the same was done and green cards opened by this office on 18<sup>th</sup> February, 2000.

The titles have since been issued to the respectfull members. Enclosed find a copy of my letter Ref. No. LONGONOT KIJABE BLOCK 2 (UTHERI WA LARI) addressed to the Attorney General related to the subject matter.

K. K. GITHII  
DISTRICT LAND REGISTRAR  
NAKURU

Encls

c.c.

Mr. Agonga Abdul  
Litigation Counsel  
Attorney General Chambers  
P. O. Box 40112-00100  
NAIROBI

Land Registrar

08/04/08

plse provide me with  
the necessary information  
on status of the land under reference  
for my reply to the Director.

JDS

~~copy~~  
DLAS

LAND ADJUDICATION AND  
SETTLEMENT DEPARTMENT  
P.O. Box 30297  
**NAIROBI**

Date: 25<sup>th</sup> March 2008

Nkoine Ole Parkire,  
Chairman - Kitet Maasai Community,  
P.O. Box 51992-00200,  
**NAIROBI.**

Dear Sir

**L.R. NOS. LONGONOT/KIJABE BLOCK II -  
UTHERI WA LARI - PARCEL NOS. 1 TO 7956**

Thank you for your letter dated 12<sup>th</sup> September 2007. As a matter of urgency, you are requested to visit this office and see the undersigned on any day during working hours to clarify some issues on the subject matter.

By a copy of this letter, the District Land Adj. & Settlement officer - Nakuru is requested to forward a report on the parcels under reference for further action.

Please expedite promptly.

Yours faithfully,



P.K. WAITHAKA

**For: DIRECTOR OF LAND ADJUDICATION AND SETTLEMENT**

✓ C.c District Land Adj. & Settlement Officer,  
**NAKURU.**



Form 100-1 (Rev. 1-25-60) 2  
(Official Use Only)

14th May, 2024

Mr. J. G. ...  
Registration Council  
Attorneys, General's Chambers  
... 40112-4110  
100-1-1-1

... 2003 ...  
... 1st ...

Your letter ref: no. ... /6/6/21 dated 21st April, 2024 in regard to the above case remains:-

... have been issued to the individual members as per the ...  
... letter ref: no. ... /155 dated 31st December, 1999.

... enclosed a copy of the said ... for your retention.

~~Handwritten signature~~  
...  
...  
...

*HP already checked*  
*W/S file*  
*18/5/2004*

MINISTRY OF LANDS AND SETTLEMENT



SURVEY OF KENYA  
P.O. Box 30046, NAIROBI  
KENYA

22nd December 1997  
Date....., 19.....

All Correspondence  
Should be addressed to:-  
Director of Surveys  
  
Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 718050  
  
Field Headquarters, Ruaraka  
Telephone: 802241-2

AG/76/9/16

Our Ref .....

District Land Registrar,  
P. O. BOX 1073,  
NAKURI.

Thro' Chief Land Registrar,  
P. O. BOX 30089,  
NAIROBI.

*6501*  
Forwarded *Handwritten signature*  
31.12.97

RE: L.R NO. 11192 - NAKURI DISTRICT

Enclosed herewith please find copies of new Registry Index Map, together with area list of subdivisions of the above mentioned farm.

The following changes have occurred:-

<u>NEW REGISTRATION BLOCK</u>	<u>NEW PARCEL NUMBERS</u>	<u>NO. OF SHEETS</u>	<u>TYPE OF BOUNDARY</u>
LONGONOT/KIJABE BLOCK 2 (UTHERI WA LARI)	1 - 7956	11	General

The RIM preparation fee is not charged for the job was submitted before November 1990.

*Handwritten signature*

Sarah Komu  
FOR: DIRECTOR OF SURVEYS

C.C. J. M. Gatome,  
Licensed Surveyor,  
P. O. BOX 52144,  
NAIROBI.