

Papers tabled on  
22/8/12 at 2:30pm  
Euse

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY  
TENTH PARLIAMENT –FOURTH SESSION



# REPORT

ON THE

## DEPARTMENTAL COMMITTEE ON LANDS AND NATURAL RESOURCES

ON

### STATUS OF OWNERSHIP OF L. R.2890 IN TIMAU TOWNSHIP OF BUURI DISTRICTS, MERU COUNTY

CLERK'S CHAMBERS  
NATIONAL ASSEMBLY  
NAIROBI

AUGUST 2012

## PREFACE

1. The Departmental Committee on Lands and Natural Resources undertook to investigate and inquire into the status of ownership, alleged grabbing, continued occupation of public land and subsequent fencing off of part of L. R. No. 2890 in Timau Township of Buuri District, Meru County;
2. In addition, following various complaints, requests, and memoranda's by the residents of Timau Township led by Councillor Geoffrey Kimathi of Kirimara Ward and former Senior Chief and Chairman Timau Plot Owners Self Help Group;
3. Therefore, on April 2010 and May, 2011, the Committee resolved to undertake the investigations and an inspection trip to Timau Township;
4. In their memoranda, submissions, the complaints by the residents included, that :-
  - a) A number of Timau Plot owners were displaced following the opening of a new road that serves the Gitumbi's Farm in Laikipia District, which is part of L.R. No 2890 under TOL resulting in the displacement of 23 plots owners. The new road is in violation of the Development Plan of Timau Township;
  - b) The displaced plot owners became squatters' within Timau as they were removed in an inhuman manner therefore resulting in damage and loss of property. They request that the displaced be compensated and be given decent settlement.
  - c) There has been concerned effort to interfere with the planning of Timau Township that has been in existence since 1998.
  - d) the original planning of Timau Township in terms of areas allocated for roads and other public utilities should be respected.
  - e) L.R. NO. 2890 is located in Timau Township and measures approximately 279.23 hectares. In 1998, it was comprehensively planned for urban development purposes, with some plots allocated to individuals. However, a portion of land measures which about 50 acres is claimed by a Mr. David Gitumbi.
  - f) the public road and bridge on the boundary between Meru County and Laikipia County be reinstated;
  - g) the portion of Land L.R. 2890 measuring approximately 50 acres be vacated for the development of public utilities such as sewer, cemetery, disposal site and in industrial use; and
  - h) The Development Plan for Timau Township be urgently subjected to stakeholders for scrutiny and approval;
  - i) the occupier of part of L.R. no. 2890, does not own it, was not allocated and should not be allocated; and
  - j) the Temporary Operating License(TOL) should be revoked or terminated.

5. Based on the above allegations /complaints the Committee on April 18, 2010 and May 6, 2011 resolved to undertake to investigate the matter. the investigation and inquiry covered the following:-
- a) the history of the land ;
  - b) Status of ownership and any transaction if any on L.R No. 2890;
  - c) occupancy and status of the Development Plan for the land; and
  - d) Make a report based on its findings and make recommendations.

#### **MANDATE OF THE COMMITTEE**

6. The Departmental Committee No. J on Lands and Natural Resources is established pursuant to provisions of Standing Order No. 198 (2) and (3) with the following terms of reference: -

- i. to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii. to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii. to study and review all legislation referred to it;
- iv. to study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- vi. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

7. The Committee is mandated to consider the following **subjects**:-

- i. Lands and settlement;
- ii. Forestry, water resource management and development;
- iii. Irrigation;
- iv. environment and wildlife; and
- v. Mining and natural resources.

**9. Oversight** In executing its mandate, The Committee oversees the following Government Ministries; namely: -

- 9.1 Ministry of Water and Irrigation;
- 9.2 Ministry of Environment and Minerals Resources;
- 9.3 Ministry of Lands; and
- 9.4 Ministry of Forestry and Wildlife.

## **COMMITTEE COMPOSITION**

10. The Departmental Committee on Lands and Natural Resources was constituted on June 17<sup>th</sup> 2009 and its membership is as follows:-
- 10.1 Hon. Mutava Musyimi, M.P. – **Chairperson**
  - 10.2 Hon. Peris Chepchumba Simam, M.P. - **Vice Chairperson;**
  - 10.3 Hon. Benjamin Jomo Washiali, M.P;
  - 10.4 Hon. Silas Ruteere Muriuki, M.P.
  - 10.5 Hon. Benedict Fondo Gunda, M.P.
  - 10.6 Hon. Justus M’mbaya Mugali Gesito, M.P.
  - 10.7 Hon. Njuguna Peter Gitau, M.P.
  - 10.8 Hon. Mohammed Abdi Affey, M.P.
  - 10.9 Hon. Omar Mbwana Zonga, M.P.
  - 10.10 Hon. Kiema Julius Kilonzo, M.P.
  - 10.11 Hon. Dr. Erastus Kihara Mureithi, MBS, HSC, MP

## **REPORT METHODOLOGY**

11. The Committee proceeded with the investigations as follows:
- 11.1 Held sittings for:-
    - (a) Setting up the terms of reference;
    - (b) Briefing from the Member for Parliament from the Area;
    - (c) Meeting with the Minister for Lands;
    - (d) Meeting with the Provincial Administration and Internal Security, Buuri District - District Commissioner, Buuri District with heads of department – land adjudication and settlement, Plot allocation Committee and local leaders.;
  - 11.2 The Committee undertook an inspection visit of L.R. No. 2890 in Timau, Buuri District on April 18, 2010 and may 6, 2011;

## **FINDINGS**

12. From the visit and public hearing on April 18, 2010 and May 6, 201, on L.R. 2890 in Timau, Buuri District, the Committee made the following observations, findings and comments:-
- 12.1 There is need to finalize the Development Plans for Timau which was started in 1998 by all stakeholders and the Ministry of Lands to ensure it is approved and concluded;
  - 12.2 L.R 2890 is in, Timau area of Buuri District, Meru County and has an area of 279.23 hectares However, a portion of L. R. No. 2890 measuring approximately 50 acres is held by an individual on Temporary Operating License (TOL);



- 12.3 L.R. 2890 was planned in 1998 including the portion under Temporary Operating License and the whole land was earmarked for residential, Commercial, Industrial, Slaughter Houses and Piecemeal plots. Allocation of plots was done through the recommendation of the District Plot Allocation Committee; The portion of land held under Temporary Operating License is part of L.R. 2890 and was earmarked under development plan for public utilities;
- 12.4 The holder of Temporary Operating License has applied to the Commissioner of Lands for granting of title deed for the portion of L.R. 2890 however, the Commissioner has rejected their plea through letter ref. No 25/27/140 dated June 14, 2011;
- 12.5 About 23 households have been displaced following construction of a new road by Kenya Urban Roads Authority, against the existing plans. And these families are squatters within Timau Township;
- 12.6 The evicted/displaced households lost their properties and therefore sought to be compensated by the Kenya Rural Roads Authority;
- 12.7 The squatters problem in Timau is genuine and dates back to colonial times;
- 12.8 There have been concerted efforts to frustrate the approved Development Plan of Timau Township by individuals who want to grab part of L.R. 2890;
- 12.9 Cases have been filed in court since the planning process started. In the first case filed in January 4<sup>th</sup> 2001 a ruling was delivered on 2<sup>nd</sup> June 2011 and the court injunction was lifted. A petition case No. 3 of May 2011 was filed and is still pending;
- 12.10 Allocations done in Timau did not consider the squatters on the ground but new allocations were made in areas already settled by squatters; and
- 12.11 The planning process was overshadowed by piecemeal plot allocations. Thus after the Second stakeholders meeting the council surveyor moved in to identify individual plots for the squatters who had settled on the land since 1993 and a new group of squatters who invaded the site in 2007. It was not clear who were the genuine squatters.

## **RECOMMENDATIONS**

### **13. Based on evidence received and adduced, the committee recommends that:-**

- 13.1 the Temporary Operating License should be terminated and the land reverts back to the township for planning purposes including a public cemetery, sewage and treatment plant;
- 13.2 the Ministry of Lands should fast-track the approval of the Development Plan for Timau Township by stakeholders within 90 days on adoption of this report;

- 13.3 Allocation/identification of plot to squatters should be stopped to allow the identification of genuine squatters and finalization of the Development Plan for Timau;
- 13.4 All pending court case be expedited;

**ACKNOWLEDGMENT**

- 14. The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate;
- 15. The Chairperson take this opportunity to thank all the 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.
- 16. 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.
- 17. Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands and Natural Resources, to present and recommend this report to the House pursuant to the provisions of Standing Orders of the National Assembly.
- 18. On behalf of the Committee, I request the house to adopt the report.

SIGNED:..........

**HON. MUTAVA MUSYIMI, MP**

**CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON LANDS AND NATURAL RESOURCES**

**DATE:..... AUGUST 14, 2012.....**



## **INTRODUCTION - THE LAND L. R. 2890 – BACKGROUND**

19. L. R. No 2890 is located in Timau Township in Buuri District, Meru County in the former Eastern Province and is approximately 279.23 Hectares. The land was initially used as a holding ground by white settlers for cattle moving from Isiolo to Kenya Meat Commission or other slaughter houses. It ceased to be a holding ground and converted to other purposes such commercial, residential, industrial, slaughter houses;
20. In 1998, piecemeal allocations were done with the recommendations of the District Plot Allocation Committee and Individual applications to the Commissioner of Lands. Some allottees have been issued with titles while others have allotment letters only. In addition, a comprehensive development plan covering the whole piece of land was prepared; however it has not been approved. The plan will be approved after subjecting it to all stakeholder scrutiny;
21. The Development Plans has delayed before approval, as a result of officers in the Ministry of Lands not being involved in some instances leading to so many illegalities under the law. For instance, in 2010, a road was made against the plan displacing a number of allottees;
22. A portion of L. R. No. 2890, measuring approximately 50 acres is held by the late Mr. David Gitumbi on Temporary Occupation License (TOL) who claims to have acquired the land from the previous owner of the adjoining L. R. No. 7452 in Laikipia, Rift Valley Province, when he bought it. However, he has not been issued with a title deed for the land held on Temporary Occupation License;
23. The 50 acres land allegedly in possession and/or claimed by Mr. Gitumbi is available for public purposes and that the Commissioner of Land issued a letter to the Gitumbi's to that effect. Various appeals have been made to the Ministry by the Gitumbi's that they be allocated the land, following their submission of an application to the Ministry.

## **THE COMPLAINTS**

24. The residents of Timau Township led by Councilor Geoffrey Kimathi of Kirimara Ward, former Senior Chief and also Chairman Timau Plot Owners Self Help Group made various complaints and requests to the Committee they are as follows, that:
  - a) A number of Timau Plot owners were displaced following the opening of a new road that serves a Mr. Gitumbi's Farm in Laikipia District resulting in the displacement of 23 plots owners. In addition to violating the approved Development plan of Timau Township;
  - b) The displaced plot owners now squatters' were removed in inhumane manner resulting in damage and loss of property. The displaced should be compensated and given decent settlement;

- c) There is concerned effort to interfere with the planning of Timau Township that has been in existence since 1998;
- d) The original planning of Timau Township in terms of areas allocated for Roads and other public utilities should be respected;
- e) L. R. NO. 2890 is located in Timau Township and a measure approximately 279.23 hectares. In 1998, it was comprehensively planned for urban development purposes, with some plots allocated to individuals. However, a portion of land measuring 50 acres is claimed by a Mr. David Gitumbi hence interfering with the proposed planning of Timau Township;
- f) The public road and bridge on the boundary between Meru County and Laikipia County be reinstated;
- g) the portion of Land L.R. 2890 measuring approximately 50 acres be vacated for the development of public utilities such as sewer, cemetery, disposal site and in industrial use; and
- h) The plan for Timau Township should be urgently subjected to stakeholders for scrutiny and approval.

## **INSPECTION VISIT**

### **25. INSPECTION TOUR TO THE TIMAU DISTRICT COMMISSIONER'S OFFICE ON**

**WEDNESDAY 28<sup>TH</sup> APRIL, 2010** : The following Members of the Committee made the Inspection tour of the Land and they were:-

- 1. Hon. Mutava Musyimi, MP, - Chair
- 2. Hon. Silas M. Ruteere, MP - Member
- 3. Hon. Benedict F. Gunda, MP - Member
- 4. The Hon. P. N. Gitau, MP - Member
- 5. The Hon. Omar Zonga, M.P. - Member
- 6. The Hon. Martin Ogindo, M. P. - Member
- 7. Hon. Benjamin Washiali, MP - Member

### **26. Accompanied by:-**

- 1. C. W. Munga - Clerk Assistant
- 2. Sarah Kioko - Clerk Assistant.
- 3. Oscar Namulanda - Clerk Assistant.
- 4. Rebecca Tonkei - Research Officer.
- 5. G. Wafula - Hansard Reporter.
- 6. Wilson Bosmet - Serjeant-at-Arms.
- 7. Diana Munene - Secretary.

27. The Committee was met by the Acting District Commissioner, Mr. Phillip Lemalasia, Area Member of Parliament for North Imenti Constituency, Hon. Silas Ruteere, who is also a member of the Committee, welcomed the Committee after prayers and introductions were said.



28. Hon. Ruteere informed the Committee that:-

- a) Visit should be informed by the challenges and development programmes of Timau.
- b) There are a lot of clashes between communities due to lack of water.

29. The District Commissioner outlined the issues that affect the local community that:-

- a) The local dam dries up completely leading to clashes between horticultural farmers and farmers in the highlands and can be solved through construction of several mega water dams on Upper Mount Kenya region.
- b) the lack of a food storage facility and requested the Committee to help solve the problem by setting up a National Cereals and Produce Board (NCPB) office or store in the area;
- c) requested for the setting up of horticultural cold rooms to cater for the horticultural and flower produce in the area;
- d) the elevated status of Timau to a District, has come with challenges of implementation due to land grabbing of a plot meant for use in terms of a sewerage treatment plant, garbage disposal for township, public cemetery for both Muslims and Christians and for setting up an industrial area where NCPB and cold storage rooms are supposed to be constructed.

e) The Committee to assist Timau by setting up a sewer system.

f) noted that the local water company has a low capacity to supply water to the township;

g) The Lands Officer, Meru, Mrs. Peninah Muriuki, informed the Committee that:-

- a.) The land which has been grabbed is 50 acres but on the ground it is about 70 acres.
- b.) The owner of the land LR 7542 was granted a Temporary Occupation License (TOL) for 50 acres.
- c.) the same piece of land with the TOL was sold and the piece of land under question was in two districts, Meru and Laikipia districts;
- d.) Could not verify whether the land under TOL was cancelled
- e.) The land is not registered in anybody's name. The Deputy Surveyor informed the Committee that the land in dispute has beacons erected on it and that the Meru side is surveyed.
- f.) The Physical Planner, Mr. Kivuva informed the Committee that the land in question, LR No.2890 covers the whole of Timau Township, which is the area, is within Timau Township. However, the surveyor said that not the whole of that piece of land was in Timau Township.

30. The chairman of squatters, Mr. Maore, informed the Committee that:-

- a.) He wrote a letter to the Commissioner of Lands. The "owners" were summoned by the Commissioner of Lands. A Mr. Kaburu was the officer



- from the Ministry of Lands who was assigned to investigate the case but he has not yet handed over the report.
- b.) This person grabbing the land is doing so from the Meru side. He said that their interests revolve around burying their dead on that piece of land.
  - c.) The squatters live on the border of the disputed land.
31. The area councilor, Mr. Ementa, said that
    - a.) The land for proposed sewage had been grabbed.
    - b.) The owner is not supposed to sell land with a temporary lease but he sold it against the law.
    - c.) The boundary of Timau had been interfered with by the neighbours.
    - d.) The County Council wants to survey the whole of Timau Township.
  32. According to the Lands Officer, temporary concrete posts had been erected on the disputed piece of land and a watchman hired to watch over. And that the purported owner of the land had been issuing threats to anybody who goes near the disputed land;
  33. A former chief of the area, Mr. Onesmus Kinoti informed the Committee that the land's LR No. 2890, 60 acres had been encroached upon. And that a certain Mr. Gitumbi is the owner of the land in dispute. Gitumbi applied for temporary occupation of the land. Which is within the LR.28/90 plot; the boundaries shows that the land in question is within Meru District.
  34. The history behind the land is that Mr. Gitumbi bought the land from a white settler (650 acres) with the TOL in place. It was revealed to the Committee that Mr. Gitumbi had also encroached on Mr. Kimbo's land;
  35. Mr. Mwai of the Kenya Human Rights Commission noted that Meru and Laikipia Members of Parliament should solve the problem;
  36. The Committee visited the disputed land and met the son of the owner of the land, Gitumbi Junior who gave the Committee a brief history of the ownership of the land. He said a white settler was given a TOL for the land after applying for it. He applied for it because he wanted to get some water for his farm through this land. Mr. Scharner who was the owner then sold the farm to Mr. Gitumbi in 1970 and nobody explained to him that it had a TOL.
  37. In 1997, retired President Moi decided to give squatters some land. Surveyors from Meru came on the site and found a problem with the boundary on three farms belonging to Messrs. Kimbo, Gitumbi and Lolmaric. These three people requested to be shown the real boundaries. In 1997, the new occupant Daudi Gitumbi was told that the TOL was still valid and he was given a permit. The TOL have not yet been revoked by the Ministry of Lands;
  38. The said owner said he put up a new fence on the land because squatters have been destroying the posts. Mr. Gitumbi does not know when the TOL will expire. The Chairman's verdict was that the process of repossession should be initiated

as soon as possible. He further said that Mr. Gitumbi and other stakeholders will be summoned to appear before the Committee to shed more light on its ownership.

### **VISIT ON MAY 6, 2011**

39. On May 6, 2011, the Parliamentary Committee on Lands and Natural Resources established a subcommittee and set out its mandate and resolved the subcommittee makes an inspection visit of Timau Township. The following Members of the Committee constituted themselves into a Sub Committee and they were:

- |   |                            |   |        |
|---|----------------------------|---|--------|
| 1 | Hon. Mutava Musyimi, MP,   | - | Chair  |
| 2 | Hon. Silas M. Ruteere, MP  | - | Member |
| 3 | Hon. Benedict F. Gunda, MP | - | Member |
| 4 | Hon Erastus Mureithi, MP   | - | Member |

40. Accompanied by:-

- |   |               |   |                  |
|---|---------------|---|------------------|
| 1 | Rana Tiampati | - | Clerk Assistant  |
| 2 | Oscar Wesonga | - | Clerk Assistant. |

41. The Committee met with the District Commissioner, Buuri District, District Surveyor, Kenya Rural Roads Authority representative and physical planner among others. They informed the Committee that:-

- a) The Land L.R. 2890, part of it was set aside by the Meru County Council for settlement of squatters in 1997;
- b) The preparation of the Development Plan was started way back in 1998 and was to end in 2011 however; issues have arisen leading to heighten tensions amongst the residents.
- c) Since 1963, the land was set aside as a holding ground by the Council of Meru.
- d) The settlement of squatters was undertaken, first by conducting a census of the squatters, followed by formation of District Plot Allocation Committee which approved allocation of plots to squatters. However, the squatters were settled on part of the land L.R. 2890 which was already planned and surveyed to include road routes that was agreed upon.
- e) In March, 2011, following a visit by the Head of State to the Gitumbi Family who reside in the neighboring County - Laikipia a new road was developed by Kenya Rural Roads Authority disregarding the existing graded road as per plan hence displacing 23 household. The new road was meant to be used by the Head of State to access the Gitumbi's Family from which is part of L.R. 2890.
- f) The new road done using public funds was undertaken by Kenya Rural Roads Authority and disregarded advice by the physical planners and surveyors. The old existing road was later opened by a directive given by then Provincial Commissioners of Rift Valley and Eastern Province respectively.



- g) The new road was never used by the Head of State as he used the planned road as per the physical plan of Timau.
- h) The biggest source of dispute in Timau is the continued occupation of part of the land L.R. 2890 under Temporary Occupation License by the Gitumbi family. The Temporary Occupation License was granted to the first owner of L.R. 7452 which is situated in Laikipia County.
- i) Since there is a boundary between L.R, 7452 and L.R. 2890 identifying the former Rift Valley and Eastern Province boundaries respectively, it has since been interfered with, as it appears bacons were removed and or destroyed.
- j) That, L.R. 7452 was originally owned by a Mr. Good Hide who was granted a TOL by the Ministry of Lands to own part of L.R. 2890; On selling L.R. 7457 to Mr. David Gitumbi, Mr. Good Hide also transferred the portion of land on Temporary Occupation License (Part of L.R. 2890) to Mr. David Gitumbi but had never sold it. Therefore, since the portion of Land L.R. 2890 is on temporary lease on behalf of Timau Township, the lease needs to be revoked so that the piece of land reverts to Timau Township.
- k) The Gitumbi Family has since sought the permission from Commissioner of Lands and Minster to grant them a Title Deed for that portion under Temporary Occupation License.

#### **PUBLIC HEARING ON MAY 6<sup>TH</sup>, 2011 IN TIMAU**

42. The Committee held a public hearing on L.R. 2890 in Timau Township, which was attended by the District Commissioner, Buuri District, Squatters Representatives, Heads of Department and *Wananchi*. During the meeting, the Committee was informed that:-

- a) There is need to resolve disputes arising out of L.R. No. 2890, boundaries between the counties and on the re-settlement of squatters.
- b) A new group of squatters has emerged following the construction of a new road on already surveyed settlement. The new road was not in the physical plan of Timau;
- c) There was a well developed plan to settle squatters on plots identified on L.R. 2890, which some were given title deeds while others are waiting.
- d) The displaced families/households number 23, and are settled on a piece of land meant for other public utilities.
- e) Buuri District neighbours Laikipia County along L.R. 2890 and there has been borders disputes resulting to conflicts. Efforts to resolve such border disputes will bring peaceful co-existence. The boundaries were interfered with by border line, bacons and landmarks having been removed/destroyed or altered, therefore making the boundary difficult to identify.

- f) Proper documentation on L.R.2890 will be availed to the Committee in order to resolve the dispute on L.R. 2890 and also arrive at the dispute on L.R. 2890 and also arrive at desired conclusion.

## **MEMORANDA**

43. During the public hearing, the Committee received a number of Memoranda on L.R 2890. The summary of the Memoranda are here below:-

44. **TIMAU SAVING SCHEME – In the Memorandum, the Committee was informed that:-**

- a) Timau Squatters were from Kwa Joshua, Riverside, Mukuri A, B, C, and Kieni.
- b) The resettlement process was well managed by the Provincial Administration and the Physical Planning Officer, Ministry of Lands and all stakeholders which included the squatters. The planning process was endorsed by all.
- c) During the planning process, a piece of land measuring approximately 50 acres was fenced off by a family of Mr. David Gitumbi claiming it was in Laikipia County.
- d) The 50 acre piece of land is part of L.R. 2890 and was earmarked for public utility during the planning process and included – industrial plots, dumping sites, cemetery, and sewage disposals.
- e) They have made several attempts to repossess the piece of land with no success.
- f) Requested that the Committee intervenes in the repossess of the land so that they attain their vision of having fully fledged town.

45. **CHAIRMAN – TIMAU PLOT OWNERS SELF HELP GROUP MR. ONESMUS K. M'RINGEERA - In the Memorandum, the plot owners informed the Committee that:-**

- a) In 1967, Chief Joshua (Rtd) allowed former employees of white settlers to settle at Timau Townships. This led to mushrooming of two villages known as Mathare and Gichagi (Kwa Joshua).
- b) In 1970, more squatters were settled along Timau River, the land belong to Livestock Marketing Department (LMD) However it was swept by flood waters and settlers were moved to the present day Kongoni.
- c) In 1987, a boundary team was established from Timau Township, Kisima in Timau and Daiga division of Laikipia District. They were instructed to establish the properly the boundary between Laikipia and Meru starting from River Likii to Ngare Ndare.
- d) In 1987, the then District Commissioner, Meru, ordered for a census of all squatters settled in the three location, Kirimara, Kisima and Daiga.

- e) In 1996, the then District Commissioner, Meru a Mr. Korir, called a leaders meeting which included the District Land Officer, Physical Planning, Surveyor and Clerk of the Meru County Council.
- f) In the meeting, it was resolved that all squatters should be settled on the land belonging to Livestock Marketing Department i.e. L.R, 2890.
- g) The District Commissioner consulted the Ministry of Land and was agreed that part of L.R. 2890 be given out to settle squatters.
- h) During surveying of the Livestock Marketing Department land for purposes of sub-division, it was discovered that part of the L.R. 2890 had been encroached by one Mr. David Gitumbi (now deceased).
- i) On further investigation, it was discovered that the previous owner a Mr. Good Hide, a white settler was given Temporary Occupation License for the portion measuring approximately 50 acres. And while he sold (Mr. Good Hide) his piece of land situated in Laikipia L.R. 7452 to the late David Gitumbi, he did also transferred (assumed) the portion of land in Meru to him.
- j) On consultation, land under TOL is not transferable to the third party.
- k) In 1998, during the planning of Timau Township, the land under TOL was included. And in 2010, during a leaders meeting called by the District Commissioner Buuri (immediately Buuri District was created) it was resolved that the portion of land under TOL be set aside for sewage, Cemetery, Waste disposal and for industrial plots.
- l) The Plot owners decried as follows: that;
  - i.) Timau Township plan of 2010 be upheld.
  - ii.) The portion of L.R. 2890 under TOL is in Meru County, Buuri District and the occupier should vacate and surrenders the land to Timau.
  - iii.) The Buuri District leadership, squatters and people are not forcefully acquiring the land or grabbing but it belongs to them.
  - iv.) The portion of land under TOL is planned for the intended utilities.

**46. BOUNDARY DISPUTE TO EASE DEVELOPMENT BY COUNCILLOR. GEOFREY KINOTI, KIRIMARA WARD** - The memo requested that:-

- a) the boundary issue has deterred development for the resident in the area;
- b) the L.R.2890, is public land and has been clearly elaborated & shown by the Ministry of Lands, Commissioner of Lands and relevant governing authorities and have planned it for sewerage, industrial plots and cemetery;
- c) The squatter problem should also be handled careful and be speeded to avert any hatred among stakeholders.



**47. MEMORANDUM BY PETER RUTEERE** - He informed the Committee that:-

- a) He was born in 1944 in a settler's farm in Timau and there was a neighboring settler called Good Hide.
- b) Mr. Good Hide did lease land of about 50 acres from Timau Township
- c) After Buuri District was established, and planning was carried out, the squatters were settled and shown plots.
- d) The family of the late Gitumbi objected the planning of the town and instead wanted to be allocated to use the old non existing road.
- e) Request that the Committee to: -
  - (i) Assist in the enforcement of the Physical Development Town Plan.
  - (ii) The 50 acres land occupied under TOL reverts to Timau;
  - (iii) The existing bordering before be respected.

**48. MEMO BY MR. JOHN WACHIRA, SECRETARY, TIMAU PLOTS S.H.G.**

- a) The plot owners Association was formed on 20<sup>th</sup> March, 2010 with about 3,200 Members However, about 1500 are active members.
- b) The objectives of the Association is to represent, raise complaints and suggestion on behalf of members, identify any public utility plot in Timau and cause it to be developed for public good.
- c) Concerned by the interference of Town planning of Timau that was approved in 1998;
- d) Concerned about the endorsement of land identified in the plan is public utility land for purposes of public faculties.
- e) Request that:-
  - (i) The first road previously established as per the approved plan be maintained; and the new one be disregarded;
  - (ii) The plot owners who suffer loss & damage to their plots by the establishment of a new road be compensated fully;
  - (iii) The public road been the boundary between Eastern and Rift Valley Provinces be reinstated and a bridge that was used by the public be reinstated.

**49. MEETING WITH THE MINISTER FOR LANDS** - The Minister informed the Committee that **L. R. NO. 2890:-**

- a) is located in Timau Township in Buuri District and is approximately 279.23 Hectares;
- b) was initially used as a holding ground by white settlers for cattle moving from Isiolo to Kenya Meat Commission or other slaughter houses;

- c) ceased to be a holding ground and converted to other purposes such commercial, residential, industrial, slaughter houses;
- d) had piecemeal allocation were done in the recommendations of the District Plot Allocation Committee and Individual applications to the Commissioner of Lands;
- e) allottees have been issued with titles while other occupy without titles;
- f) A comprehensive Development Plan covering the whole piece of land was prepared in 1998 however it has not been approved. **The plan will be approved after subjecting it to all stakeholder scrutiny.**
- g) the development plans was delayed before approval, is as a result of officers in the Ministry not being involved in some instances leading to so many illegalities under the law;
- h) A road was made against the plan displacing a number of allottees;
- i) A portion of the land, measuring 50 acres are held by Mr. David Gitumbu on Temporary Occupation License who claims to have acquired the land from the previous owner of the adjoining L. R. no. 7452 when he bought it. However, Mr. David Gitumbu has not been issued with a title for the land held under Temporary Operating License;
- j) The 50 acres land, are available for public purposes and that the Commissioner of Land will re-look at the issue surrounding the land;
- k) Mr. Gitumbu has appealed to the ministry to be allocated the land, following his submission of an application to the Ministry;
- l) The Ministry assured the Committee of the following, that : -
  - a.) It will not allocate the land to Mr. Gitumbi and will report back to the Committee;
  - b.) Further, within 30 days the Minister will issued a comprehensive list of allottees on L. R. 2890;
  - c.) There is need to respect development plans, which should be in the forefront before any development is to take place;
  - d.) the Development Plan for Timau Township will be subjected to a consultative meeting with stakeholders to finalize and approve;
  - e.) Temporary Operating License is entertain within a planning if required within an area;
  - f.) The Minister was requested to revoke it and land reverts to the public;
  - g.) The purpose of the Temporary Operating License should be evaluated.

## 50. MINISTER FINAL RESPONSE ON L. R. 2890

**36.1 Status of Proposed Physical Development Plan for Timau Township** - The plan was initiated by the Director of Physical Planning in collaboration with the county council of Meru and other stakeholders in the Year 2009. The objectives of the plan were:

- a) To provide a framework for future growth of Timau Township
- b) To provide a basis for settling squatters
- c) To provide a framework for public participation in development of Timau Township.

### 36.2 Planning Process

- a) The plan preparation process started with a stakeholders meeting held on 1-9-2009. It was through the meeting that the public were informed about the planning procedure and plan purpose. A Planning Committee was constituted. The identification of the squatters was to be undertaken by the Provincial Administration, Pamoja Trust and the local political leaders;
- b) The planning stages of stakeholders meetings, data collection, data analysis and base map preparation progressed well. However, it was after the 2<sup>nd</sup> stakeholders meeting held on 13-4-2010 that differences and conflicts arose among the stakeholders. This slowed down the process.

### Challenges

51. The planning process was overshadowed by piecemeal plot allocations. Thus after the 2<sup>nd</sup> stakeholders meeting the council surveyor moved in to identify individual plots for the squatters who had settled on the land since 1993 and a new group of squatters who invaded the site in 2007. It was not clear who were the genuine squatters.
52. Allocations done in Timau did not consider the squatters on the ground. New allocations were made in areas already settled by squatters;
53. The allottees did not immediately take possession of the plots nor did they develop them. This makes a large part of Timau appear vacant yet it is committed. This provides an avenue for more squatters to invade the land;
54. Two cases have been filed in court since the planning process started. In the first case filed in January 4<sup>th</sup> 2001 a ruling was delivered on 2<sup>nd</sup> June 2011 and the court injunction was lifted. A petition case No. 3 of May 2011 was filed and is still pending. Though these cases did not stop planning directly. They involved the stakeholders who were key towards the second stage in planning process. Hence the prevailing acrimony could not allow for the planning process to continue.



## **Status of the Plan**

55. A draft plan is ready for presentation to stakeholders but this has not been done due to the prevailing disputes. A consultative meeting held on 7<sup>th</sup> July, 2011 mandated the District Commissioner to spearhead consensus building amongst stakeholders.

## **56. Way Forward**

- a) Allocation/identification of plot to squatters should be stopped to allow the finalization of the plan;
- b) Withdrawal of pending Court Cases;
- c) The political leadership to spearhead consensus building among the stakeholders;
- d) Nullify the letters of allocation held by individuals who have not developed or taken possession of their plots or who were not entitled to be allocated land.

## **FINDINGS AND RECOMMENDATIONS**

57. On visiting and hold a public hearing on L.R. 2890 in Timau, Buuri District, the Committee made the following observations, findings and comments:-

- 57.1 There is need to finalize the Physical Development Plans for Timau which was started in 1998 by all stakeholders and the Ministry of Lands to ensure it is approved and concluded;
- 57.2 That, L.R 2890 is in, Timau area of Buuri District, Meru County and has an area of 279.23 hectares However, a portion of L. R. No. 2890 measuring approximately 50 acres are held by an individual on Temporary Operating License (TOL);
- 57.3 L.R. 2890 was planned in 1998 and the whole land was earmarked for residential, Commercial, Industrial, Slaughter Houses and Piecemeal plots. Allocation of plots was done through recommendation of the District Plot Allocation Committee;
- 57.4 The portion of land held under TOL is part of L.R. 2890 and was earmarked under development plan for public utilities;
- 57.5 The holder of TOL has applied to the Commissioner of Lands for granting of title deed for the portion of L.R. 2890 however, the Commissioner has rejected their plea through letter ref. No 25/27/140 dated June 14, 2011;
- 57.6 About 23 households have been displaced following construction of a new road against the existing plans. And these families are now squatters in other parts of Timau Township;
- 57.7 The evicted/displaced households lost their properties and therefore sought to be compensated by the Kenya Rural Roads Authority;
- 57.8 The squatters problem in Timau is genuine and dates back to colonial times;

- 57.9 There have been concerted efforts to frustrate the approved physical development plan of Timau Township by individuals who want to grab part of L.R. 2890;
- 57.10 Cases have been filed in court since the planning process started. In the first case filed in January 4<sup>th</sup> 2001 a ruling was delivered on 2<sup>nd</sup> June 2011 and the court injunction was lifted. A petition case No. 3 of May 2011 was filed and is still pending;
- 57.11 Allocations done in Timau did not consider the squatters on the ground but new allocations were made in areas already settled by squatters; and
- 57.12 The planning process was overshadowed by piecemeal plot allocations. Thus after the 2<sup>nd</sup> stakeholders meeting the council surveyor moved in to identify individual plots for the squatters who had settled on the land since 1993 and a new group of squatters who invaded the site in 2007. It was not clear who were the genuine squatters.

## **RECOMMENDATIONS**

### **58. Based on evidence received and adduced, the committee recommends that:-**

- 58.1 the Temporary Operating License should be terminated and the land reverts back to the township for planning purposes including a public cemetery, sewage and treatment plant;
- 58.2 the Ministry of Lands should fast-track the approval of the Development Plan for Timau Township by stakeholders within 90 days on adoption of this report;
- 58.3 Allocation/identification of plot to squatters should be stopped to allow the identification of genuine squatters and finalization of the Development Plan for Timau;
- 58.4 All pending court case be expedited;



# SCHEDULE I

## LIST OF PLOTS ALLOCATIONS WITHIN LR. NO. 2890

File No.	Name	PDP	L/A Authority	Status
183992	RoseW. Ndiritu	171/96/14	54795/V	Untitled
208686	A. R. Kinampiu	171/96/13	TP42/1/XII Government	Untitled
208684	H.Suleiman M'athro	167/95/37	192646	Untitled
208683	Alfred Mathenge	171/96/13	TP42/1/XII Government	Untitled
208683	John Martin Mburugu	171/96/13	TP42/1/XII Government	Untitled
208692	David N. Ndungu	171/96/13	TP42/1/XII Government	Untitled
219726	The PS, Treasury Ministry of Works offices, Timau	171/96/13	TP42/1/XII Government	Untitled
208686		171/98/5	TP42/1/XII Government	Untitled
219736	PS – Treasury The Kenya Police Department	171/98/5	Government 209163/A/5	Untitled
86147	N'RiKenya Kithiga	LR 2890/1	58795/446 of 9.9.1972 Nil	Titled
79057	N'Ikiara N'Ruikanya	LR 2890/59	54795/117 of 11.11.1968 title	Titled
248100	Justus Karani Jacob	171/96/24	19622/III of 4.3.1999 Government	Untitled
248099	Justus Karani Jacob	171/96/24	TP 44/11 of 8.9.1997 PAC of 8.9.1997	Titled
257345	Mt. Kenya Baptist Church	171/95/11	54795/V/45	Untitled
236253	Teresa Gakii & Pater M. Kabuthi	171/95/15	19622/III of 13.6.1999	Untitled
219729	PS Treasury	171/95/9		Untitled
218112	Joseph M. Nkirote & Josleen Mwendwa	171/96/24	Government	Untitled
222114	Everyne Murewa	171/96/24	Government	Untitled
192141	Muli Kithuka	171/96/2F. 136884/II/9	Government	Untitled
195629	Raphael Mugambi		Government	Untitled
217663	(Rtd) Major Silas Mwiti	171/96/16	Government	Titled

			F. TP44/II	
215323	Jeremiah Kiriinya	171/98/10	PAC OF 9.1.1997	Untitled
233079	B.A. Blackbeard	171/98/10	File 72804/7/G	Untitled
91919	Geoffrey N'Rimberia	LR. 2890/73	54795/II/168 of 13.3.1997	Titled
161013	William Mburugu	NRB/171/92/IE	54795/IV of 15.11.1994	Titled
1539484	Jebbufer Angaine	No. Number	54795/III/99 PAC of 11.9.92	Titled
157353	Tabitha Ntibuka	No. Number	PAC of 54795/III/99 PAC of 11.9.92	Untitled
154954	Joseph Mutua Mbuva	No. Number	54795/III/ PAC of 11.9.92	Titled
169504	Michal M'rinyira	No. Number	57696/XV/32 PAC of 11.9.92	Untitled
169505	Miberi M' M'twamwari	No. Number	7696/XV/42 PAC of 11.9.92	Untitled
169465	Eutyclus Muthui	No. Number	54795/III/ PAC of 11.9.92	Titled
169625	Geoffrey Bariu	No. Number	54795/III/ 162 Government	Untitled
169835	David N. Muchane	No. Number	54795/III PAC of 11/9/92	Untitled
174414	Obadiah M'Bwiria	No. Number	54795/IV 102749/9/11/50	Untitled
183359	Esther Kamau	171/96/15	T.P.44/11	Untitled
183356	Henry Nyaranga & Stephen Kaberia	171/96/15	T.P.44/11 Government	Untitled
183356	Christine Kanyiri	171/96/15	T.P.44/11 Government	Untitled
183361	James B. Mwika	171/96/15	T.P. 44/11	Untitled
183990	Jane Surgita	171/96/14	54795/V Government	Untitled
183989	Irene Kagure	171/96/14	54795/V Government	Untitled
183358	Catherine Kinoti	171/96/15	T.P. 44/11 of 19.06.96	Untitled
183360	Jereny E. kinoti	171/96/15	T.P. 44/11 of 19.06.96	Untitled
183357	Francis Kimondo	171/96/15	T.P. 44/11 of 19.06.96	Untitled
183993	J.M. Kariuki	171/96/14	54795/V of 12.07.96	Untitled
183991	Eric Mwangi	171/96/14	54795/V of 12.07.96	Untitled
183988	Hellen N. Mwiraria	171/96/14	54795/V of 12.07.96	Untitled
183995	Belia Makena	171/96/14	54795/V of 12.07.96	Untitled

183996	B. Karwitha	171/96/14	54795/V of 12.07.96	Untitled
183994	Nelly G. Solomon	171/96/14	54795/V of 12.07.96	Untitled

Plot No.	Area	Name	Status
UNS	1.10	Zeberio Gitonga Naaman	Untitled
54	2.14	Presbyterian Church of E.A	Untitled
55	7.39	Nanyuki Urban District Council	Titled
57	1.010	Merucounty council	Titled
58	0.046	Nungari Waikwa	Untitled
59	0.0464	M'ikiara M'rinkanya	Untitled
60	0.1148	Kagambi Gethi	Titled
61	0.0465	Timau Farmers Co-op Society	Titled
62	0.1136	L. Kairanya	Untitled
69	0.0465	Jeremia Ngatia	Untitled
70	0.0465	Benjamin M'Merete	Untitiled
71	0.0465	Eliud M'ikunyua	Untitled
72	0.0465	Isaac M M'rimbere	Titled
73	0.0465	Geoffrey M'riberia	Titled
74	0.0465	E. Kamiti & others	Titled
76	0.0464	Francis Muriithi & another	Titled
78	0.1853	Jennifer K. Angaine	Untitled
79	0.1013	Jennifer K. Angaine	Titled
80	0.0511	Timau Farmers Co-Op Society	Titled
83	0.0464	Joseph Kimathi & another	Untitled
84	0.0446	Julius Githinji & Japhet Kimonye	Titled
85	0.0441	William Mburugu	Titled
87	0.0334	Hillary Osodo	Titled
90	0.0330	Charles Kinyua Kabugi	Titled

91	0.0460	M'rinkanya Kithingo	Untitled
93	0.0465	Moses kirimi Kirera	Titled
95	0.0465	Peter mutisya Muema	Titled
96	0.0460	G.K. Ikua	Untitled
97	0.0460	Lawi Muchai & M'ikiugu Iguabi	Untitled
99	0.0465	Gathongo Mwaniki	Titled
100	0.0465	Mboroki Mwangantia	Untitled
102	0.0465	Hezron Kiremi & J. M'itwamuori	Untitled
103	0.0465	Gideon Mbumgu	Untitled
104	0.0465	Crispus Mugambi	Untitled
105	0.0465	Julius githinji & M'njogu Kithania	Untitled
108	0.0372	Wacheke Mugachia	Untitled
110	0.0920	Elijah Kamiti Kabati	Titled
111	0.0375	Joyce Kanario & another	Untitled
112	0.0372	John Miriti	Untitled
113	0.0372	Mugachia Kamanga	Titled
115	0.0372	Wilfred Kigotho	Titled
116	0.0372	Michael M. Kahugu	Untitled
118	0.0418	E. Phares Rutere & Others	Untitled
119	0.0418	Lawrence Kairangu	Titled
125	0.1895	Thamba Ngombe Ltd	Titled
128	0.7316	Jennifer Kamwitu Angaine	Untitled
129	0.7432	Tabitha Karimi	Untitled
130	0.743	Solomon G.Wangombe	Untitled
131	0.7432	Benson g. Gate	Titled
132	0.7432	Kinoti Nkanatha Rware	Titled
133	0.7432	John Kithinji Marete & Others	Titled
135	0.1523	Postal Corporation of Kenya	Titled

136	0.1080	Silas Mwiti M'thuruu	Titled
139	0.0450	Cosmas Ruuri M'ntaari	Titled
141	0.0743	Elizabeth M. M'ringera	Untitled
147	0.0675	William Mburugu	Titled
150	0.0433	Joseph M. Mbuva	Titled
156	0.2766	Julius Kaaria Ikiara	Titled
176	0.0670	Henry Ikulu Igweta	Titled
254	0.0558	Jacob M. Murea	Titled
285	3.821	Jennifer K. Angaine	Titled
298	0.0464	Jennifer K. Angaine	Titled
345	0.5211	Major Silas Mwiti	Titled
356	0.2001	Lameck Muiruri	Titled
357	0.1999	Famco Tea Ltd	Titled
358	0.200	Alexandrine M. Kaguru	Titled
359	0.2004	Geoffrey Charagu	Titled
360	0.1000	Wanjiru Nderitu	Titled
361	0.1133	Famco Tea Ltd	Titled
529	2.024	Mt. Kenya Baptist Church	Titled
550	1.10	Catherine Karambu Mburugu	Titled