



*Approved
SNA
11/4/26*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF P/NO.35 OF 2023 REGARDING COMPENSATION FOR
COMPULSORILY ACQUIRED LAND PROPERTIES ALONG KIBWEZI-KITUI ROAD
BY MR. IBRAHIM NTHITU MAKWATTAH

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 01 APR 2026	DAY: <i>wednesday</i>
TABLED BY:	<i>Hon. Muchangi Karemba Chair, Public Petitions</i>
CLEARANCE OFFICER:	<i>Mado Miriam</i>



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

MARCH, 2026

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ACRONYMS

CEO	Chief Executive Officer
KeNHA	Kenya National Highways Authority
NGAO	National Government Administration Officers
NLC	National Land Commission

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report of the Committee on Public Petition No. 35 of 2023 regarding the compulsorily acquired land and properties along Kibwezi-Kitui road by Mr. Ibrahim Nthitu Makwattah.

The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Speaker on behalf of the Petitioner.

The Committee undertook this inquiry by receiving and considering written submissions from the National Land Commission (NLC), the Kenya National Highway Authority (KeNHA) and the Ministry of Land, Public Works, Housing and Urban Development.

The Committee considered the Petition and observed that due process was followed for the acquisition of the property and the process of compensation of the affected landowners commenced and was still ongoing.

The committee recommends that the Kenya National Highway Authority (KeNHA) and the National Land Commission (NLC) finalize any outstanding payments towards the land owners within ninety (90) days upon tabling of the report. The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members and secretariat for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
 - a) considering all public petitions tabled in the House;
 - b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - c) recommending whether the findings arising from consideration of a petition should be debated; and
 - d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

1 BACKGROUND OF THE PETITION

1.1 Introduction

4. The Petition was reported to the House by the Hon. Speaker on behalf of the Petitioner.
5. The Petitioner represents landowners who were invited for a meeting in the Office of the Deputy County Commissioner, Kibwezi Sub-County on 7th October 2021 where they were informed of the decision by the Government of Kenya to acquire parcels of land for purposes of construction of a lorry park and other roadside amenities. During the said meeting, the National and County Governments, the Kenya National Highways Authority (KeNHA), the National Lands Commission (NLC) and APEC Consortium were in attendance. The affected land owners were requested to give access to their properties for purposes of identification of beacons and measurements for design purposes.
6. When it was time for this exercise to commence none of the Government Officers were present. Instead, staff of APEC Consortium participated in the exercise of 8th October, 2021 claiming to represent the Kenya National Highways Authority.
7. The Petitioner adds that the Kenya National Highways Authority published a Gazette Notice indicating interest on the parcels of land and inviting the landowners for negotiations, a process which he claims was unsuccessful. The Petitioner states that immediately thereafter, the NLC wrote to affected landowners informing them that the KeNHA had been granted full access to commence construction.
8. The Petitioner asserts that all efforts to have the matter settled amicably including the intervention of the then Makueni Senator have all been unsuccessful.
9. The issues in respect of which this Petition is raised are not pending before any Court of law or any constitutional or legal body.

1.2 Petitioners' Prayers

10. The Petitioners prayed that the National Assembly, through the Public Petitions Committee-
 - a) Investigates the alleged illegal acquisition of their properties;
 - b) Investigates why the affected landowners were not compensated;
 - c) Investigates what the role of APEC Consortium was in the compulsory acquisition of the properties; and
 - d) Investigates whether National Land Commission shared the valuation report and any recommended offers to the affected landowners.

PART THREE

2 STAKEHOLDERS' SUBMISSIONS

2.1 National Land Commission

The CEO, National Land Commission, Ms. Kabale Tache Arero, vide a letter REF:NLC/NA/PPC/2026/03(1) dated 9th March, 2026 presented written submissions to the committee. She submitted as follows –

11. The Commission commenced the compulsory acquisition process for land required for the construction of the Kibwezi–Mutomo–Kitui–Kabati Road Project through Gazette Notice No. 5075 published on 25th May 2018. Following the initial notice, several addenda, corrigenda and deletion notices were issued to accommodate changes in the project design.
12. The component relating to the Kibwezi Lorry Park and roadside amenities was not part of the initial road design. This was later introduced through an addendum request submitted to the Commission in 2021 by the acquiring authority (KeNHA). Subsequently, a stakeholder consultation meeting was held on 7th October 2021 at the Office of the Deputy County Commissioner in Kibwezi. The purpose of the meeting was to inform landowners and other stakeholders about the proposed development and the intended acquisition of land for the lorry park and associated facilities.
13. The meeting was attended by representatives from the National Government Administration Officers (NGAO), NLC, KeNHA and APEC Consortium. During the meeting, landowners were informed of the proposed acquisition and were given an opportunity to seek clarification on the process.
14. Regarding the role of APEC Consortium; APEC Consortium was a private contractor that had been engaged by KeNHA to implement the construction works for the road project. Therefore, it had no formal relationship with the National Land Commission in the compulsory acquisition process. Consequently, any actions undertaken by APEC Consortium were carried out under the authority and supervision of KeNHA, and the Commission's role remained limited to undertaking compulsory acquisition in accordance with the Constitution and the applicable statutory provisions.
15. On the matter of a legal framework governing the compulsory acquisition; compulsory acquisition of land in Kenya is governed by Article 40 of the Constitution of Kenya, Part VIII of the Land Act, 2012, and the Land (Assessment of Just Compensation) Rules and Regulations, 2017. These legal provisions require the Commission to adhere to a clearly defined statutory process when acquiring land for public purposes.
16. In practice, the process begins with the publication of a Notice of Intention to Acquire in the Kenya Gazette. This is followed by inspection and valuation of the affected properties to determine the extent of land required for the project and the appropriate compensation

payable to the affected persons. The Commission thereafter publishes a Notice of Inquiry specifying the venue and dates when the affected landowners will appear before the Commission to present their claims for compensation. The Commission issues awards which the landowner may accept or reject.

17. The law further provides for situations where urgent possession of land is required in the public interest. In this regard, Section 120(2) of the Land Act, 2012 allows the Commission to take possession of land notwithstanding that the normal process has not been fully concluded, provided that the urgency of the project justifies such action and that no person will be rendered homeless as a result.
18. On the status of the acquisition; upon verifying that the statutory conditions had been met, including confirmation that fifteen days had elapsed from the date of publication of the notice of intention to acquire and that the affected parcels were unoccupied, the Commission issued notices of formal taking possession dated 2nd February 2022.
19. Regarding the compensation status; the Commission subsequently finalized the valuation and assessment of compensation for the affected landowners and issued letters of award in December 2025. The total compensation assessed for the parcels within the Kibwezi Lorry Park area amounted to Kenya Shillings Sixteen Million Six Hundred Eighty-Six Thousand Six Hundred Ninety (Ksh. 16,686,690.00).
20. To date, the Commission has received partial compensation funds amounting to Kenya Shillings Ten Million Five Hundred Eighteen Thousand Three Hundred Eighty (Ksh. 10,518,380.00) from the Kenya National Highways Authority. The Commission is currently in the process of effecting payments to those landowners who have submitted the requisite documentation and have consented to the compensation awards issued by the Commission. Payment of the remaining compensation will be undertaken once the acquiring authority releases the balance of the required funds.
21. The delay in the payment of compensation has not arisen from any procedural failure on the part of the Commission but is attributable to the fact that the Commission can only effect payment upon receipt of the requisite funds and documentation.

2.2 Kenya National Highways Authority

The Director General, KeNHA, Eng. Luka Kimeli, vide a letter Ref:KeNHA/04.D/S/VOL.62/26 dated 2nd March, 2026 presented written submissions to the committee. He submitted as follows -

22. Due to the urgent need for possession of site by the contractor, the owners of the affected parcels were issued Notices of Taking Possession by NLC to facilitate the construction of a lorry park adjacent to the subject road, as required by Section 120(2) of the Land Act 2012.
23. The Authority has already remitted the compensation funds for all the affected parcels and developments to the National Land Commission through the letters Ref(s).

KeNHA/F/NLC/6/Vol.7/3557 (Cheque No. PV98708CHQ000038) and KeNHA/F/NLC/6/Vol.7/3567 (Cheque No. PV 99133 CHQ000054) dated 5th July, 2025 and 22nd July, 2025 respectively, except for the parcel Kikumbulyu/Mikuyuni/1305 which could not be paid due to budgetary constraints. The Authority intends to settle the outstanding compensation once funds are available.

Below is the current status of compensation:

S/No.	Title Number	Registered Owner/Claimant/Payee	Areas Acquired(Ha.)	Award(Ksh.)	Payment Status
1	Kikumbulyu/Mikuyuni/1302	Faith Murangi Onyango & Benson Onyango Nyairo	0.092	1,060,880.00	Paid
2	Kikumbulyu/Mikuyuni/1303	Faith Murangi Onyango & Benson Onyango Nyairo	0.046	529,000.00	Paid
3	Kikumbulyu/Mikuyuni/1304	Faith Murangi Onyango & Benson Onyango Nyairo	0.046	534,750.00	Paid
4	Kikumbulyu/Mikuyuni/1305	George Mutua Makwatta and Rose Kavata Mukumbu	0.520	6,168,310.00	Not Paid
5	Kikumbulyu/Mikuyuni/1307	John Muthusi Kimondiu and Francis Muiva Ndimu	0.190	2,231,000.00	Paid
6	Kikumbulyu/Mikuyuni/295	Antony Kyathe Mwilu	Improvements	208,960.00	Paid
7		Leah Wamjiku Kiarie	Improvements	36,800.00	Paid
8		Agatha Muringi Ndirangu	Improvements	36,800.00	Paid
9		Jackson Wambua Mongoli	Improvements	11,500.00	Paid
10		Samson Muasya Mwongela & Margaret Mwikali Mulwa	Improvements	23,000.00	Paid
11		Japheth Mwongela Charles	Improvements	51,700.00	Paid
12		Phoebe Mwelu Muindi	Improvements	17,250.00	Paid
13		Peninah Munyiva	Improvements	63,250.00	Paid
14		Luther Musoma Maingi	Improvements	8,570.00	Paid
15		Jeniffer Muia	Improvements	36,800.00	Paid

16	Kikumbulyu/Mikuyuni/1325	Raphael Mutuku Ndiku	0.059	678,500.00	Paid
17	Kikumbulyu/Mikuyuni/1326	Raphael Mutuku Ndiku	0.046	598,000.00	Paid
18	Kikumbulyu/Mikuyuni/1327	Raphael Mutuku Ndiku	0.040	506,690.00	Paid
19	Kikumbulyu/Mikuyuni/1328	Raphael Mutuku Ndiku	0.046	529,000.00	Paid
20	Kikumbulyu/Mikuyuni/1329	Raphael Mutuku Ndiku	0.039	454,250.00	Paid
21	Kikumbulyu/Mikuyuni/1330	Raphael Mutuku Ndiku	0.093	1,075,880.00	Paid
22	Kikumbulyu/Mikuyuni/1332	Raphael Mutuku Ndiku	0.066	790,170.00	Paid
23	Kikumbulyu/Mikuyuni/1333	Paul Sammy	0.090	1,035,580.00	Paid
24	Kikumbulyu/Mikuyuni/1847	Michael Mbai Nyenze	Improvements	3,429,000.00	Paid
25	Kikumbulyu/Mikuyuni/1202	Anthony Muthui Mung'eli & Douglas Pius Mung'eli	0.3287	827,090.00	Paid
26		Robert Somba Nzamba	Improvements	517,500.00	Paid
27		Dan Kitheka	Improvements	152,490.00	Paid
28		Josiah Masu Kwosa	Improvements	773,380.00	Paid
29		Peter Kwali	Improvements	639,690.00	Paid
30		David Ndunyu	Improvements	990,780.00	Paid

PART FOUR

3 COMMITTEE OBSERVATIONS

Upon reviewing and considering the submissions by NLC and KeNHA, the Committee observed that—

24. On the alleged illegal acquisition of the petitioners' properties; NLC issued sufficient notice and held stakeholder engagements with the land owners, KeNHA and representatives of NGAO where the landowners were given an opportunity to seek clarifications on the process.
25. On the matter of compensation of land owners; there were steps already taken to address the matter and NLC together with KeNHA need to finalize the outstanding compensation payments in accordance with the law.
26. KeNHA has already remitted compensation funds for all the affected parcels and developments to NLC however, due to budgetary constraint only one parcel out of the 30 parcels has not been paid.
27. The APEC Consortium was a private contractor that was engaged by KeNHA to implement the construction works for the road project. Any actions undertaken by APEC Consortium were carried out under the authority and supervision of KeNHA.

PART FIVE

4 COMMITTEE RECOMMENDATIONS

28. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- (i) On the prayers that the National Assembly investigates on the alleged illegal acquisition of the properties, **the committee notes that due process was followed by KeNHA and NLC.**
- (ii) On the compensation of the landowners; **the committee recommends that the Kenya National Highway Authority (KeNHA) and the National Land Commission (NLC) finalize any outstanding payments towards the land owners within ninety (90) days upon adoption of this report.**
- (iii) On the prayer on inquiry into the role of APEC Consortium; **the committee acknowledges that APEC Consortium as a private contractor worked under the authority and supervision of KeNHA.**
- (iv) On the prayer that the National Assembly investigates on the valuation of the properties by NLC; **the committee notes that the NLC did its valuations in accordance with the law.**

Signed:  Date: 01/04/2026

HON. MUCHANGI KAREMBA, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No.35 Of 2023 Regarding Compensation for Compulsorily Acquired Land Properties Along Kibwezi-Kitui Road

Annex 3: Minutes of proceedings

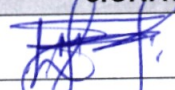

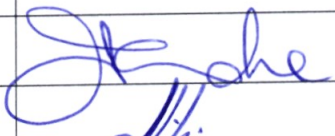
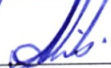
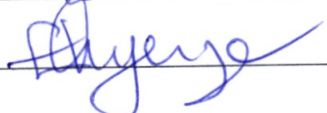

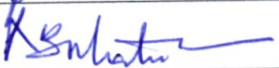
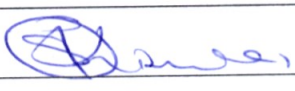

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 35 of 2023 by Mr. Ibrahim Nthitu Makwattah, regarding compensation for compulsorily acquired land properties along Kibwezi – Kitui Road**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/09/2025

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	



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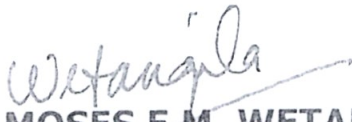
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF A PUBLIC PETITION
(No. 35 of 2023)

REGARDING COMPENSATION OF COMPULSORY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI - KITUI ROAD

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2. In this regard, Honourable Members,** I wish to report to the House that my office has received a petition from one *Ibrahim Nthitu Makwattah*, on behalf of landowners of land and properties compulsorily acquired by the Government of Kenya for the construction of *Kibwezi Lorry Park and Roadside Amenities along Kibwezi –Kitui Road*.
- 3. The Petitioner avers** that the landowners he is representing were invited for a meeting in the *Office of the Deputy County Commissioner, Kibwezi Sub-County* on *October 7th 2021* where they were informed of the decision by the Government of Kenya to acquire parcels of land for purposes of constructing a lorry park and other roadside amenities. During the said meeting, *the National and County Governments, the Kenya National Highways Authority (KeNHA), the National Lands Commission (NLC) and APEC Consortium* were in attendance. The affected landowners were requested to give access to their properties for purposes of identification of beacons and measurements for design purposes.

- 4. Honourable Members,** the Petitioner is perturbed that when it was time for this exercise to commence none of the Government Officers were present. Instead, staff of APEC Consortium participated in the exercise of *October 8th 2021* claiming to represent the Kenya National Highways Authority.
- 5.** The Petitioner adds that the Kenya National Highways Authority published a Gazette Notice indicating interest on the parcels of land and inviting the landowners for negotiations, a process which he claims was unsuccessful. The Petitioner states that immediately thereafter, the National Land Commission wrote to affected landowners informing them that the Kenya National Highways Authority had been granted full access to commence construction.
- 6. Honourable Members,** the Petitioner asserts that all efforts to have the matter settled amicably including the intervention of then Makueni Senator have all been unsuccessful.
- 7.** The Petitioner thus prays that this House investigates the alleged illegal acquisition of their properties, investigates why affected landowners were not compensated, what was the role of APEC Consortium in the compulsory acquisition of the properties and whether National Land Commission shared the valuation report and any recommended offers to the affected landowners.
- 8. Honourable Members,** having established that the matter raised in the petition is well within the authority of this House; and further, that the matters raised in this petition are not pending before any court of law, constitutional or legal body, I hereby commit the petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
- 9.** The Committee is required to consider the petition and report its findings to the House and to the petitioner in accordance with Standing Order 227(2).


THE RT. HON. DR. MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 27/7/23

**MINUTES OF THE 16TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON TUESDAY, 17TH MARCH, 2026 IN FRANGAPINI CONFERENCE
ROOM, SERENA HOTEL, MOMBASA COUNTY AT 2.30 P.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 9. Hon. Paul Biego Kibichiy, M.P. | | |
| 10. Hon. Peter Irungu Kihungi, M.P. | | |
| 11. Hon. Sloya Clement Logova, M.P. | | |

APOLOGIES

1. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Mr. Calvin Karungo | - | Media Relations Officer III |
| 10. Ms. Felistas Muiya | - | Public Communications Officer |
| 11. Mr. Paul Shana | - | Serjeant at Arm |

MIN./PPC/2026/084:

PRELIMINARIES

The Chairperson called the meeting to order at 2:30 pm and said a word of prayer.

MIN./PPC/2026/085:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Hon. Suzanne Ndunge Kiamba, M.P and seconded by, Hon. Maisori Marwa Kitayama, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda

3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following Public Petition Reports:**
 - i. P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini;
 - ii. P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury; and
 - iii. P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah.
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/086: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/087: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS

1. **P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini**

The Committee considered the draft report and it recommended that the petitioner refers the matter to the Senate and the Kiambu County Government.

2. **P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury**

The committee recommended that the Ministry of Education ensures all students are registered on NEMIS to reduce the mismatch between the number of students in the system and the actual number of students enrolled.

3. **P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah**

The Committee considered the draft report and recommended that the Ministry of Lands, Public Works, Housing and Urban Development in collaboration with the National Land Commission and the County Government of Lamu initiates within three months of adoption of the reports the process of survey, demarcation and registration of the land on which three four Aweer Villages are situated as a community land under Article 63 of the Constitution.

Adoption

The Committee unanimously adopted the following reports having been proposed by Hon. Paul Biego, M.P and seconded by Hon. Peter Irungu Kihungi, M.P:

- i. P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini;

- ii. P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury; and
- iii. P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah.

MIN./PPC/2026/088: ADJOURNMENT

There being no other business, the meeting was adjourned at 4:00 p.m.

Sign: 

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 01/04/2026



REPUBLIC OF KENYA

AHHEX(3)

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

Honourable Chair,

Pursuant to a letter Ref. NA/DAA&GPC/PPC/2026/014 dated 18th February, 2026, the Committee invited the Principal Secretary State Department for Lands and Physical Planning to a meeting to provide information on the petitions.

PETITIONS;

- I. P/No.32/2025 by landowners affected by the construction of the road regarding compensation for residents of the Embu Ring /Connectors Roads projects in Embu County.
- II. P/No.35/2023 By Mr. Ibrahim Nthitu Makwattah regarding compensation of compulsory acquired land and properties along Kibwezi -Kitui Road.
- III. P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;
- IV. P/No. 11/2024 by (Prof.) Phyllis Bartoo, MP regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;
- V. P/No. 03/2024 by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;
- VI. P/No. 13/2025 by Hon. Sarah Korere, MP regarding revocation of the gazettement of Mukogodo forest reserve as a public forest; and
- VII. P/No. 11/2025 by Hon. Rahim Dawood, MP regarding compensation and Land allocation to Mau Mau War Veterans of Meru County.

RESPONSE

We wish to respond as follows;

- I. P/No.32/2025 by landowners affected by the construction of the road regarding compensation for residents of the Embu Ring /Connector Road project in Embu County.**

The Petition

The Petitioners are residents and land owners affected by construction of the Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago (Embu Ring/Connector) Road Project in Embu County.

They aver that the Kenya National Highways Authority (KeNHA) and the National Land Commission (NLC) compulsorily acquired private land for the construction of the 63-kilometre Embu Ring/ Connector Road. They allege that implementation of the project adversely affected numerous households, farms and business premises along the project corridor resulting in economic hardship, disruption of livelihoods and displacement of families. They claim that on 23rd February 2024, a Gazette Notice was issued confirming the compulsory acquisition listing all parcels affected for compensation. They further claim that to date, many Project Affected Persons (PAPs) have remained uncompensated leading to loss of homes, agricultural land, sources of livelihoods, inability to relocate or rebuild serious financial distress among others.

They have therefore prayed that the National Assembly through the Public Petitions Committee;

- i) Investigates the status of compensation for all PAPs along the Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago Road including reasons for the delay or non-payment, the accuracy and fairness of valuation reports and legal status of the compulsory acquisition;
- ii) Recommends prompt and fair compensation for all PAPs in accordance with Article 40 (3) of the Constitution and the Land Act; and
- iii) Makes any other recommendation or takes any action it deems appropriate to address the plight of the Petitioners.

Response

Honourable Chair, we wish to respond as follows;

The issues raised in this petition fall within the mandate of the National Land Commission (NLC) and the Ministry of Roads and Transport who are best suited to provide a response.

II. P/No.35/2023 By Mr. Ibrahim Nthitu Makwattah regarding compensation of compulsory acquired land and properties along Kibwezi -Kitui Road.

The Petition

The Petitioner avers that the landowners he is representing were invited to a meeting in the office of the Deputy County Commissioner, Kibwezi Sub County on 7th October 2021 where they were notified of the Government's decision to acquire parcels of land for purposes of constructing a lorry park and other roadside amenities. The purported meeting was also attended by officers from the National and County Governments, the Kenya National Highways Authority (KeNHA) the NLC and APEC Consortium.

He further claims that the exercise was executed by the APEC Consortium instead of Government officers. He further states that KeNHA published a Gazette Notice indicating interest on the parcels of land and inviting the landowners for negotiations. The process was however unsuccessful. He avers that the NLC wrote to the affected landowners informing them that KeNHA had been granted full access to commence construction.

The Petitioner avers that all efforts to have the matter amicably including the including the intervention of the then Makueni Senator have all been unsuccessful.

The petitioner is requesting an investigation into the alleged illegal acquisition of their properties, investigation on why affected landowners were not compensated. what was the role of APEC consortium in the compulsory acquisition of the properties and whether National Land Commission shared the valuation report and any recommended offers to the affected landowners.

Response

Honourable chair. I wish to respond as follows;

The issues in this petition fall under the mandate of the National Land Commission (NLC) and KeNHA who are best suited to provide a response.

III. P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;

The Petition

The petitioners are residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County. They lament that KeNHA has recently placed new beacons along the road between KM12+800 (Kiu River) and KM14+500 (Kirigiti) with an intention to expand the road reserve from 40 metres to 60 metres contrary to long standing government assurances and community practice.

They claim that Survey Plan F/R 9/69 authenticated in 1914 forms the basis of KeNHA's decision despite being a colonial era plan which provides for inconsistent corridor widths along the same road. They further aver that the Kenya land demarcation of 1958 and subsequent developments, burials and investments were carried out with the assurance of a 40-metre reserve and extending the corridor to 60-metres would result in exhumations, demolitions, displacement and irreparable intergenerational losses. They further aver that Kenya Gazette Notice Vol. CV No. 59 of 6th June 2003 classified the Kiambu-Ruiru Road as C63 with a gazetted road reserve corridor of 40-metres which has consistently guided contractors and residents since independence.

The petitioners also claim that Kiu River which serves as the main water source for Gitei village has a 30-metre riparian reserve which when combined with KeNHA's 60-metre claim renders some parcels of land such as Ndumberi/ Riabai/ 14, 125 and 337 entirely consumed leaving landowners landless despite holding valid titles.

They therefore pray that the National Assembly through the Public Petitions Committee

- i. Directs the immediate review and revocation of reliance on Survey Plan FR No. 9/69 (1914), and adoption of current statutes, gazette notices, and recommends for gazette of the road reserve between KM 12+800 (Kiu River) and KM 14+500 (Kirigiti) as 40 metres, to ensure uniformity with the rest of the Kiambu-Ruiru road corridor;
- ii. Recognises and protects valid certificate of title holders, particularly where road reserves and riparian land overlap, with special attention to Ndumberi/Riabai parcels 14, 125, and 337;
- iii. Ensures that equitable and transparent compensation for any compulsory acquisition of land is carried out through a meaningful public participation and legal due process;
- iv. Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

Response

Honourable Chair, in response to questions i and ii, during the demarcation period, the adjudication team demarcated the ancestral land based on survey plan F/R 9/69 of 1914 which brought about Ndumberi/Riabai registration section. The survey plan F/R 9/69 was approved and authenticated by the Director of Surveys on 30th March, 1915 shows the road reserve (Old Fort Hall Road) was surveyed as a 60-Metre-wide Road Reserve. **Annexure 1** is a copy of the survey plan.

When the demarcation of boundary was carried out, the parcel boundaries (parcels 14, 125 and 337 among others) were surveyed up to the centre of Kiu River as depicted on the Registry Index Map (RIM) sheet 9 of Ndumberi /Riabai registration section.

Honourable Chair, the riparian reserve forms part of the total acreage of each parcel of land abutting Kiu River. However, the use of the riparian reserve is regulated by various statutes and players including WARMA, NEMA, County Government, Survey Act and Physical and Land use Planning Act.

Honourable Chair, in response to question iii, compensation for compulsory acquisition and requisite public participation are matters that fall under the purview of the National Land Commission (NLC).

IV. P/No. 11/2024 by (Prof.) Phyllis Bartoo, MP regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;

The Petition

This petition is filed by the Hon. (Prof.) Phyllis Bartoo. MP on behalf of the residents of Moiben Constituency.

She avers that Elgeyo Border Settlement Scheme was established in 1963 under the Settlement Fund Trustees to facilitate settlement and development in the region.

Over the years however, due to social economic factors and changes in land ownership, the burden of arrears of loan repayment has become unmanageable for the current generation of residents.

She further claims that the debt owed has grown exponentially over time hence becoming a significant barrier to the economic progress and wellbeing of the community. At the same time the residents have received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid. It is against this background that the petition is anchored on with the prayer that the National Assembly through the Public Petitions Committee -

- (i) Engages the Settlement Fund Trustees with a view of seeking waiver of the accumulated debt of Elgeyo Boarder Settlement Scheme by the community;
- (ii) Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

Response

Honourable Chair, Elgeyo Border Settlement Scheme No.045, Uasin Gishu County was started in January, 1963 with the beneficiaries being allocated 25 acres each.

There are 428 land parcels allocated to families and 23 Public utilities which include schools, market centres, churches and a water dam.

Being a conventional scheme, the beneficiaries were required to pay an initial deposit and thereafter pay the balance in 28 half – yearly instalments after grace period of 2 years. They were required to meet these costs from the income generated from the land allocated to them.

Over the years, some beneficiaries have managed to clear the amounts owed to them and have been discharged.

To date, the status is as follows: -

- (a) Number of plots discharged and forwarded for titling – 148.
- (b) Number of discharges at the County Land Adjudication and Settlement office awaiting execution of transfer – 83. This mainly due to succession issues.
- (c) Number of plots with outstanding Loan balances – 186.

The total amount accruing is approximately Ksh.13 million.

Honourable Chair, the settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises of: -

1. Cabinet Secretary - Ministry of Lands and Physical Planning (Chair)
2. Cabinet Secretary – National Treasury
3. Cabinet Secretary – Ministry of Agriculture
4. Cabinet Secretary – Internal Security.
5. Cabinet Secretary – Ministry of Environment and National Resources
6. A Representative – National Land Commission

Honourable Chair, on 7th August, 2025, the Ministry of Lands, Public Works, Housing and Urban Development presented a Cabinet Memo for waiver of all outstanding land and development loan interests and related penalties for all settlement schemes amounting to Kshs. 5,342,797,484.39. The Cabinet approved the memo in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

V. P/No. 03/2024 by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;

The Petitioner

The petitioner, Nyario ya Kididi cha Bhatubheta Culture Community is a registered and recognized community group from Taveta Constituency, registered under the Community Land Act and the Community Land Regulations. The Community is dedicated to preserving and advancing the welfare and culture of the Taveta people including the protection of the natives' land rights as guaranteed under Article 63 of the Constitution and the Community Land Act;

They claim that in 1963, the Government of Kenya reserved a Trust Land reference L.R. No. 249 of 1963 for the natives for purposes of grazing and farming. They claim that the Community occupied the Trust Land until sometime in 1982 when there was a severe drought that claimed human life and livestock and as a result, they left the area and relocated to the lowlands near River Lumi.

They further state that the Community continued using the said Trust land as a traditional shrine for prayers and circumcision until sometime in 2022 when they were arrested and harassed by Rangers from Kenya Wildlife Service (KWS) on allegations of trespass. After negotiations between local political leaders and KWS, the arrested members of the Community were released but on firm instructions that they should not trespass on the Trust Land on grounds that the area is part of Tsavo West National Park and is a protected area;

The petitioner notes that vide a letter dated 17th August 2023, the Community sought information from the Director for Land Administration on the legal status of the Trust Land and on 18th August 2023, they were expressly informed that the land is still Trust Land. The Community forwarded the aforesaid information from the said Director to the KWS and requested to be allowed to continue using the Trust Land as their shrines and grazing area. The KWS declined and insisted that the Trust Land is part of Tsavo West National Park and that it is a protected area.

They claim that in the recent past, the KWS has started fencing the Trust Land completely cordoning it off from the Community, and all efforts to have the matter resolved has not been fruitful and therefore pray that the National Assembly through the Public Petitions Committee;

- (i) inquiries into the legal status of the land L.N. No. 249 of 1963 and recommends for the settlement of the squatters within Taveta Constituency; and
- (ii) makes any other recommendations that it may deem fit in addressing the plight of the Petitioners.

Response

Honourable Chair, according to our records, the referenced parcel of land falls in Trust land (now Community Land) within Taita Taveta District. It is defined as L.N No. 249 of 1963(Legal Notice). It measures approximately 3723 Acres as defined by boundary plan 179/37.

The key steps of registering a Community Land are as follows;

- i. Presentation of the inventory through CLA 6 to the Cabinet Secretary.
- ii. Cabinet secretary to gazette an adjudication programme.
- iii. A notice of intention to survey through form CLA 7 for a period of 60 days.
- iv. After elapse of 60 days the surveyor prepares a cadastre
- v. Community land proceeds to registration.
- vi. Issuance of title deed (certificate of registration -Form CLA 4.

Honourable Chair, Nyario ya Kididi cha Bhatuweta community should liaise with the County Government of Taita Taveta to ensure that the inventory is forwarded to the Cabinet Secretary for Ministry of Lands, Public Works, Housing and Urban Development.

VI. P/No. 13/2025 by Hon. Sarah Korere, MP regarding revocation of the gazettelement of Mukogodo forest reserve as a public forest.

The Petition

The petitioner observes that Mukogodo Forest Reserve, covering an area of 30,189 Hectares, was declared a public forest through Gazette Notice LN. 174 of 1964. It is located on the northwestern side of Mt. Kenya within the expansive plains of Laikipia County. Mukogodo Forest borders four areas designated as community land: Il Ng'wesito the Southeast, Mayianat to the Southwest, Shulumaito to the Northwest, and Lekurrukito the North. It also neighbours the Borana Wildlife Conservancy. The surrounding communities, including the Il Ng'wesi and Yaaku, have safeguarded approximately 10,000 Hectares of this forest land since the 14th Century.

He also states that in recognition of the forest's importance as a place of residence, a sanctuary for cultural and religious practices, and a source of livelihood, the Il Ng'wesi and Yaaku communities formed the Ilmamusi-Mukogodo Forest Association in 1998 to manage the forest. The Community Forest Association was formally registered in 2008 and became fully operational in 2016 with a duly constituted management committee comprising twenty-four (24) members.

However, due to persistent insecurity, including killings and livestock banditry, the Il Ng'wesi and Yaaku communities were forced to flee the forest. As a result, the area has been occupied illegally, leading to widespread destruction of the forest.

The displacement of these communities due to banditry has resulted in the loss of lives and property, disruption of education due to school closures, increased livestock theft, and destruction of the forest's flora and fauna, among other hardships.

He claims that the Government's efforts to address insecurity in the region have been hindered by numerous challenges, including the rugged terrain, lack of full control, and unclear ownership of the Mukogodo Forest.

They claim that revoking the gazettelement of Mukogodo Forest as a public forest and reclassifying it as a community forest would significantly benefit the Il Ng'wesi and Yaaku communities. These benefits include enhanced control and management of forest resources, increased community participation in conservation, protection of indigenous rights, promotion of devolved natural resource governance, and improved conflict resolution and social cohesion.

Despite repeated efforts by the Il Ng'wesi and Yaaku communities to seek redress from relevant authorities, no tangible results have been achieved to date and therefore pray that the National Assembly, through the Public Petitions Committee;

(i) Recommends that the Gazette Notice No. 174 of 1964 be revoked and the 20,189 hectares of Mukogodo Forest be subsequently gazetted of as a community forest;

(ii) Recommends that the remaining 10,000 hectares of Mukogodo Forest be allocated for the resettlement of the Il Ng'wesi and Yaaku communities; and

(iii) Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

Response

Honourable Chair, the matters raised in questions 1,2 & 3 pertain to management of forests in Kenya which is the mandate of the Kenya Forest Service (KFS). Reclassification of Mukogodo Forest is a matter that can best be addressed by the Chief Conservator of Forests (CCF) in Kenya.

VII. P/No. 11/2025 by Hon. Rahim Dawood, MP regarding compensation and Land allocation to Mau Mau War Veterans of Meru County

The Petition

The petitioner points out that section 3 of the Kenya Heroes Act establishes a legal framework for the recognition and honour of national heroes, stipulating that a person shall be considered a hero if they have selflessly contributed and sacrificed for the nation in any of the functional areas, including the liberation struggle. Since Kenya attained independence in 1963, a section of Mau Mau veterans who

endured displacement by the colonial government, through discriminatory laws and flawed land policies, including forced evictions, have never received any form of reparation.

He says that despite the formation of the Mau Mau War Veterans Association (MMWVA) which was intended to unify all Mau Mau veterans, regional leaders of the association were never appointed, and the funds allocated by the Government were misappropriated, leaving veterans and their families without the desired economic relief. That while regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to advocate for land rights and other forms of reparation, veterans from other regions, including Meru, were excluded from these initiatives. Previously, Mau Mau war veterans, notably through organisations like NDEFFO, were compelled to consolidate resources and fundraise to purchase land from white settlers, excluding many who could not afford to participate;

The petitioner avers that most of the land formerly held by white settlers has since exhausted lease periods as provided under Article 65 of the Constitution. However, the National Land Commission (NLC), despite its mandate to initiate investigations, either suo motu or upon complaints, into present or historical land injustices and recommend appropriate redress, has never investigated pre-independence land injustices perpetrated against the Mau Mau. The relentless efforts by Mau Mau war veterans to seek closure and obtain reparation for the violations of economic rights, evictions, forced labour, rape, and murder committed by the British colonial government have remained unaddressed reason why the petitioners pray that the National Assembly, through the Public Petitions Committee:

- (i) Intervenes to ensure that the Mau Mau War Veterans and their families are resettled on their ancestral land, which was alienated by the colonial government and white settlers;
- (ii) Recommends the establishment of regional representation of the Mau Mau war veterans within the Mau Mau War Veterans Association;
- (iii) Recommends the official recognition and commendation of the Mau Mau Movement under the First Schedule of the Kenya Heroes Act;
- (iv) Engages the National Land Commission to investigate pre-colonial land injustices committed against the Mau Mau veterans; and
- (v) Makes any other recommendations it deems appropriate in addressing the plight of the Petitioners.

Response

Honourable Chair, the issues raised in i, ii, iii, iv & v above is the mandate of the National Land Commission pursuant to Article 67 (2)(e) of the Constitution of Kenya and the National Land Commission Act, 2012. The National Land Commission is therefore best placed to respond to the issues raised in the petition.

Honourable Chair, I submit.

A handwritten signature in blue ink, consisting of several loops and a central scribbled area, positioned above the typed name.

Hon. Generali Nixon Korir
PRINCIPAL SECRETARY

9th March 2026



ANNEX (4)



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

COMMISSION'S RESPONSE TO THE PUBLIC PETITIONS COMMITTEE

PARLIAMENT BUILDINGS

TUESDAY, 10TH MARCH 2026

BY:

KABALE TACHE ARERO, MBS,

COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

INVITATION TO A MEETING OF THE NATIONAL ASSEMBLY'S PUBLIC PETITIONS COMMITTEE

Honourable Chair,

Pursuant to a letter **Ref: NA/DAA&GPC/PPC/2026/014** dated **18th February 2026**, the Committee invited the Commission Secretary/CEO of the National Land Commission to a meeting on **Tuesday, 10th March 2026** at Parliament Buildings at 11:30 am to respond to the following petitions.

- 1. PETITION BY LANDOWNERS AFFECTED BY THE CONSTRUCTION OF THE ROAD REGARDING COMPENSATION FOR RESIDENTS OF THE EMBU RING/CONNECTOR ROAD PROJECT IN EMBU COUNTY.**
- 2. PETITION BY MR. IBRAHIM NTHITU MAKWATTAH REGARDING COMPENSATION FOR COMPULSORILY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI-KITUI ROAD.**
- 3. PETITION BY RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND.**
- 4. PETITION BY (PROF.) PHYLLIS BARTOO, MP REGARDING WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45 SETTLEMENT FUND TRUSTEES LOAN.**
- 5. PETITION BY WORKERS OF NYARIO YA KIDIDI CHA BHATHUBHETA CULTURE COMMUNITY IN TAVETA CONSTITUENCY REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R. NO. 249 OF 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY.**
- 6. PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETTEMMENT OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.**
- 7. PETITION BY HON. RAHIM DAWOOD, MP REGARDING COMPENSATION AND LAND ALLOCATION TO MAU MAU WAR VETERANS OF MERU COUNTY.**

RESPONSES

1) PETITION BY LANDOWNERS AFFECTED BY THE CONSTRUCTION OF THE ROAD REGARDING COMPENSATION FOR RESIDENTS OF THE EMBU RING/CONNECTOR ROAD PROJECT IN EMBU COUNTY.

PETITIONERS CLAIM

The Petitioners, led by Mr. Francis Munene and other residents and landowners affected by the construction of the Embu Hospital–Kathangariri–Kianjokoma–Kanja–Runyenjes–Siakago (Embu Ring/Connector) Road, aver that the Kenya National Highways Authority (KeNHA) and the National Land Commission compulsorily acquired private land for purposes of constructing the 63-kilometre road project.

The Petitioners contend that the project has adversely affected numerous households, farms, and business premises along the road corridor, resulting in displacement and disruption of livelihoods. They further state that although a Gazette Notice dated 23rd February 2024 confirmed the compulsory acquisition of affected parcels and created an expectation of prompt compensation, many Project Affected Persons (PAPs) have not received compensation despite the continued implementation of the road project.

OUR RESPONSE

Legal Status of the Compulsory Acquisition: The compulsory acquisition process was undertaken in compliance with the Land Act No. 6 of 2012. The subject project was duly gazetted for intention to acquire vide Gazette Notice No. 4387 dated 4th April, 2023. Inquiries were subsequently gazetted vide Gazette Notices Nos. 4387 (2023) and 2069 (2024), and conducted at the gazetted venues and dates. Accordingly, the acquisition process is legally and procedurally compliant.

Valuation and Fairness of Reports: Inspections were carried out for valuation purposes, after which valuation reports and compensation schedules were prepared. These valuations adhered to established professional standards and principles of fairness, ensuring that PAPs were accorded just and equitable consideration in line with the law.

Reasons for Delay or Non-Payment: Upon completion of the valuation report and compensation schedule, the Commission requested compensation funds from the acquiring authority. The Commission is yet to receive the requisite funds from Kenya Rural Roads Authority (KeRRA). Consequently, processing and payment to the affected PAPs has not commenced. The delay is therefore attributable to the pending release of funds by the acquiring authority.

Honourable Chair:

The National Land Commission reiterates its commitment to transparency, fairness, and adherence to the law in the compulsory acquisition process. Once the Commission receives the compensation funds from KeRRA, payments to the PAPs will be processed without undue delay.

**2) PETITION BY MR. IBRAHIM NTHITU MAKWATTAH REGARDING
COMPENSATION FOR COMPULSORILY ACQUIRED LAND AND
PROPERTIES ALONG KIBWEZI-KITUI ROAD.**

The Petitioner, Mr. Ibrahim Nthitu Makwattah, acting on behalf of landowners affected by the compulsory acquisition of land and properties for the construction of the Kibwezi Lorry Park and Roadside Amenities along Kibwezi-Kitui Road, claims that the affected persons were not compensated as required.

He states that the landowners were invited to a meeting held at the Office of the Deputy County Commissioner, Kibwezi Sub-County, on 7th October 2021, where they were informed of the intended acquisition. The meeting was reportedly attended by representatives of the National Government, County Government, Kenya National Highways Authority (KeNHA), National Land Commission (NLC) and APEC Consortium. According to the Petitioner, the landowners were requested to allow access to their properties for identification of beacons and measurements to facilitate the project design. He further avers that when the exercise commenced on 8th October 2021, the relevant Government officers were absent and the exercise was instead undertaken by staff from APEC Consortium, who claimed to be acting on behalf of KeNHA.

The Petitioner also claims that KeNHA later published a Gazette Notice expressing interest in the affected parcels and invited the landowners for negotiations, but the negotiations did not result in any settlement. He further states that the National Land Commission subsequently informed the affected landowners that KeNHA had been granted full access to commence construction, despite the fact that compensation had not been paid.

The Petitioner contends that efforts to resolve the matter amicably, including through the intervention of the then Senator for Makueni County, were unsuccessful. He therefore seeks the intervention of the House to investigate the alleged illegal acquisition of the affected properties, failure to compensate the landowners, the role of APEC Consortium in the process, and whether the National Land Commission shared the valuation report and any recommended compensation offers with the affected persons.

OUR RESPONSE

Background

The Commission commenced the compulsory acquisition process for land required for the construction of the Kibwezi–Mutomo–Kitui–Kabati Road Project through Gazette Notice No. 5075 published on 25th May 2018. Following the initial notice, several addenda, corrigenda and deletion notices were issued to accommodate changes in the project design.

The component relating to the Kibwezi Lorry Park and roadside amenities was not part of the initial road design. This was later introduced through an addendum request submitted to the Commission in 2021 by the acquiring authority (KeNHA). Subsequently, a stakeholder consultation meeting was held on 7th October 2021 at the Office of the Deputy County Commissioner in Kibwezi. The purpose of the meeting was to inform landowners and other stakeholders about the proposed development and the intended acquisition of land for the lorry park and associated facilities.

The meeting was attended by representatives from the National Government Administration Officers (NGAO), the National Land Commission, the Kenya National Highways Authority (KeNHA), and APEC Consortium. During the meeting, landowners were informed of the proposed acquisition and were given an opportunity to seek clarification on the process.

Role of APEC Consortium

The Commission wishes to clarify that the compulsory acquisition of land for the Kibwezi Road Project, including the land designated for the Kibwezi Lorry Park, was undertaken on behalf of the Kenya National Highways Authority (KeNHA), which is the acquiring government agency responsible for the project.

APEC Consortium was a private contractor that had been engaged by KeNHA to implement the construction works for the road project. Therefore, it had no formal relationship with the National Land Commission in the compulsory acquisition process. Consequently, any actions undertaken by APEC Consortium were carried out under the authority and supervision of KeNHA, and the Commission's role remained limited to undertaking compulsory acquisition in accordance with the Constitution and the applicable statutory provisions.

Legal Framework Governing Compulsory Acquisition

Compulsory acquisition of land in Kenya is governed by Article 40 of the Constitution of Kenya, Part VIII of the Land Act, 2012, and the Land (Assessment of Just Compensation) Rules and Regulations, 2017. These legal provisions require the Commission to adhere to a clearly defined statutory process when acquiring land for public purposes.

In practice, the process begins with the publication of a Notice of Intention to Acquire in the Kenya Gazette. This is followed by inspection and valuation of the affected properties to determine the extent of land required for the project and the appropriate compensation payable to the affected persons. The Commission thereafter publishes a Notice of Inquiry specifying the venue and dates when the affected landowners will appear before the Commission to present their claims for compensation.

During the inquiry hearings, the Commission receives and evaluates claims from affected persons before determining the amount of compensation payable. Once the determination is made, the Commission issues awards to each affected person. The affected persons may either accept the Commission's offer of compensation or reject it. In cases where the award is accepted, the Commission proceeds with prompt payment of compensation upon receipt of funds from the acquiring authority. Where a landowner rejects the award, the dispute may be referred to the Land Acquisition Tribunal for determination.

Upon completion of the inquiry process and issuance of awards, the Commission may issue notices of taking possession to enable the acquiring authority to commence construction works. A final survey and vesting process is then undertaken in order to formally excise the acquired portions from the landowners' titles and vest them in the acquiring authority.

The law further provides for situations where urgent possession of land is required in the public interest. In this regard, Section 120(2) of the Land Act, 2012 allows the Commission to take possession of land notwithstanding that the normal process has not been fully concluded, provided that the urgency of the project justifies such action and that no person will be rendered homeless as a result.

Status of the Acquisition

The land required for the development of the Kibwezi Lorry Park and roadside amenities was formally published for acquisition through Gazette Notice No. 197 dated 14th January 2022, which was issued as an addendum to the earlier acquisition notices relating to the road project.

Following the publication of the notice of intention to acquire, the Commission undertook inspection and identification of the affected properties in the presence of the respective landowners. Subsequently, inquiry hearings were conducted on 15th March 2022 at the Kibwezi Chief's Office pursuant to Gazette Notice No. 198 issued on the same date as the notice of intention to acquire. The inquiry process was preceded by extensive stakeholder engagement, including field inspections conducted together with the affected landowners. The petitioner, Mr. Ibrahim Thitu Makwattah, was present during these exercises.

After the publication of the notices and the completion of the statutory waiting period, the Kenya National Highways Authority requested the Commission to take possession of the land pursuant to Section 120(2) of the Land Act, 2012 on account of the urgency of the project and the need to avoid delays that would have been contrary to the public interest. Upon verifying that the statutory conditions had been met, including confirmation that fifteen days had elapsed from the date of publication of the notice of intention to acquire and that the affected parcels were unoccupied, the Commission issued notices of formal taking possession dated 2nd February 2022.

Compensation Status

The Commission subsequently finalized the valuation and assessment of compensation for the affected landowners and issued letters of award in December 2025. The total compensation assessed for the parcels within the Kibwezi Lorry Park area amounted to **Kenya Shillings Sixteen Million Six Hundred Eighty-Six Thousand Six Hundred Ninety (Ksh. 16,686,690.00)**.

To date, the Commission has received partial compensation funds amounting to **Kenya Shillings Ten Million Five Hundred Eighteen Thousand Three Hundred Eighty (Ksh. 10,518,380.00)** from the Kenya National Highways Authority. The Commission is currently in the process of effecting payments to those landowners who have submitted the requisite documentation and have consented to the compensation awards issued by the Commission. Payment of the remaining compensation will be undertaken once the acquiring authority releases the balance of the required funds.

Commission's Position on the Petition

Honourable Chair:

The Commission respectfully submits that the compulsory acquisition process for land required for the development of the Kibwezi Lorry Park and roadside amenities was undertaken in accordance with the Constitution of Kenya, the Land Act, 2012 and the applicable regulations governing compulsory acquisition. The statutory steps required under the law were followed, including publication of the notice of intention to acquire, inspection and identification of the affected properties, stakeholder consultations with landowners, and the conduct of inquiry proceedings to determine the respective interests and claims of the affected persons.

The Commission further reiterates that the taking of possession of the affected parcels prior to completion of the compensation process was undertaken pursuant to Section 120(2) of the Land Act, 2012, which permits the Commission to allow possession in circumstances where urgent necessity exists and where delay would be contrary to the public interest. In this case, the request for possession was made by the acquiring authority, the Kenya National Highways Authority, to facilitate timely implementation of the road project, which is a critical public infrastructure project intended to improve regional connectivity and economic development.

With regard to the allegations raised in the petition concerning failure to compensate the affected landowners, the Commission wishes to clarify that compensation awards have already been prepared and issued to the affected persons. The delay in the payment of compensation has not arisen from any procedural failure on the part of the Commission but is attributable to the fact that the Commission can only effect payment upon receipt of the requisite compensation funds from the acquiring authority. As indicated above, the Commission has received partial funds from the Kenya National Highways Authority and has commenced the process of paying landowners who have accepted the awards and submitted the required documentation.

The Commission remains committed to ensuring that all eligible landowners are compensated in accordance with the law and will continue to process payments as soon as the remaining funds are made available by the acquiring authority.

The Commission therefore respectfully requests that Parliament takes note of the steps already taken to address the matter and allows the Commission and the acquiring authority to finalize the outstanding compensation payments in accordance with the law.

3) PETITION BY RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND.

PETITIONERS CLAIM

The Petitioners, on behalf of the residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County, claim that Gitei Village is an ancestral settlement and home to more than 10,000 residents who have developed their land, carried out farming, and established permanent and semi-permanent structures guided by the long-standing understanding that the Kiambu-Tatu City-Kiambu/Ruiru Road reserve measures 40 metres in width. They state that the Kenya National Highways Authority (KeNHA) recently placed new beacons along the road between KM 12+800 (Kiu River) and KM 14+500 (Kirigiti) with the intention of expanding the road reserve from 40 metres to 60 metres, contrary to the residents' long-held understanding and previous government assurances.

The Petitioners contend that although Survey Plan FR No. 9/69, prepared in 1914 during the colonial period and later relied upon by KeNHA, indicates a wider reserve, subsequent official actions and public representations consistently affirmed a 40-metre corridor. In particular, they refer to the Kenya Gazette Notice Vol. CV-No. 59 of 6th June 2003, which classified the Kiambu-Ruiru Road as Class C3 and gazetted a 40-metre road reserve corridor, and to a letter dated 19th June 2004 from the Ministry of Roads confirming that the road reserve at the affected section was 40 metres wide. The Petitioners further state that they and previous generations have occupied and developed the land on the basis of that position, and that any expansion to 60 metres would result in demolition of homes and businesses, displacement of families, destruction of graves and cultural sites, loss of livelihoods, and irreparable intergenerational loss.

They also claim that some of the affected parcels are supported by valid title deeds, particularly in respect of Ndumberi/Riabai parcels 4, 125 and 337, and that despite repeated engagements with KeNHA, WARMA, Kiambu Water and Sewerage Company, and local administrators, they have not received a substantive resolution.

The Petitioners therefore seek the intervention of the National Assembly to review and revoke reliance on the old survey plan, confirm the road reserve between KM 12+800 and KM 14+500 as 40 metres, recognize and protect valid titles held by residents, ensure any future acquisition is undertaken lawfully and transparently with public participation, and address the continued levying of land rates on portions allegedly falling within the road reserve.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission notes the concerns raised by the Petitioners regarding the alleged variation of the road reserve boundary along the Kiambu-Tatu City-Kiambu/Ruiru Road between KM 12+800 and KM 14+500, and the potential impact on ancestral land, developments, livelihoods and other community interests. The Commission wishes to clarify that issues relating to the delimitation of road reserve boundaries, the underlying survey records, and the implementation of road projects primarily require verification against the relevant survey plans, gazette notices, cadastral records and acquisition documents held by the responsible agencies. In this regard, the Commission has formally written to the Kenya National Highways Authority (KeNHA) requesting, among other things, copies of the stated Gazette Notice, the relevant survey plan, and clarification on the current status of the road reserve in the affected section. This is necessary to enable the Commission to establish the factual and legal position before making any further determination or intervention.

Upon receipt of the requested information, the Commission will review the matter within the confines of its constitutional and statutory mandate, including the need to ascertain the authenticity of the records being relied upon, the status of any affected parcels, and whether any action giving rise to compulsory acquisition, boundary variation or interference with private or community interests has been undertaken in accordance with the law. Should it emerge that any acquisition of land is required for public purpose, the Commission reiterates that such process must be undertaken strictly in accordance with the Constitution, the Land Act, and all applicable legal procedures, including due process, public participation, inquiry, valuation and prompt payment of just compensation where applicable. The Commission will therefore be guided by the information to be furnished by KeNHA and any other relevant records in determining the appropriate course of action.

4) PETITION BY (PROF.) PHYLLIS BARTOO, MP REGARDING WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45 SETTLEMENT FUND TRUSTEES LOAN.

PETITIONERS CLAIM

The Petitioners, on behalf of the residents of Moiben Constituency, claim that the Elgeyo Border Settlement Scheme No. 45 was established in 1963 under the Agricultural Settlement Fund Trustees framework for purposes of agricultural development, land purchase and settlement in the area. They state that the Fund, which was managed under the relevant legal and administrative framework by the responsible Government ministries, advanced financing to support settlement and development within the scheme. The Petitioners contend that over the years, due to changing socio-economic circumstances and changes in land ownership, the burden of loan arrears under the scheme has become unmanageable for the current generation of residents. They further state that many families inherited the debt without inheriting the corresponding financial capacity, assets or resources to repay it, and that the original purpose of the Settlement Fund has since been overtaken by the severe financial strain imposed on the community.

The Petitioners further claim that the debt relating to the Elgeyo Border Settlement Scheme has grown exponentially over time and now far exceeds the initial capital investment of KShs. 5,000, thereby becoming a major impediment to the economic progress and well-being of the residents. According to the Petition, the accumulated debt has hindered the community's ability to invest in essential needs such as infrastructure, education and healthcare. The Petitioners also state that residents have, over the years, continued to receive demand notices in respect of the loan arrears, coupled with the threat of repossession of their land in the event of non-payment. They therefore seek the intervention of the National Assembly, through the Public Petitions Committee, to engage the Settlement Fund Trustees with a view to securing a waiver of the accumulated debt owed by the community and to make any other recommendation deemed appropriate to address the plight of the Petitioners.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission wishes to clarify that the issues raised in the Petition, particularly those relating to the administration of the Elgeyo Border Settlement Scheme, the management of settlement loans, and payments by beneficiaries under the scheme, fall within the mandate of the Ministry of Lands, Public Works, Housing

and Urban Development, which is the institution responsible for matters concerning land settlement and the administration of settlement schemes.

Accordingly, the Commission's position is that this matter is best addressed by the Ministry, being the competent authority with the requisite policy, administrative and operational mandate over settlement scheme obligations and any consideration for waiver of such payments.

5) PETITION BY WORKERS OF NYARIO YA KIDIDI CHA BHATHUBHETA CULTURE COMMUNITY IN TAVETA CONSTITUENCY REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R. NO. 249 OF 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY.

PETITIONERS CLAIM

The Petitioners, on behalf of the Nyario ya Kididi cha Bhatubheta Culture Community in Taveta Constituency, Taita Taveta County, claim that they are a registered and recognized community group under the Community Land Act and the Community Land Regulations, and that they are dedicated to preserving the welfare, culture and land rights of the Taveta people as protected under Article 63 of the Constitution and the Community Land Act. They state that in 1963, the Government of Kenya reserved Trust Land Reference L.R. No. 249 of 1963 for the natives for purposes of grazing and farming, and that the community occupied the land until around 1982, when a severe drought led to loss of human life and livestock and forced them to relocate to the lowlands near River Lumi.

The Petitioners nevertheless contend that they continued using the said trust land as a traditional shrine for prayers and circumcision until about 2022, when they were allegedly arrested and harassed by officers from the Kenya Wildlife Service (KWS) on allegations of trespass. The Petition further states that the community sought clarification on the status of the land and communicated the information obtained to KWS, while requesting to continue using the land as shrines and grazing area, but KWS declined and maintained that the land forms part of Tsavo West National Park and is therefore a protected area. The Petitioners further claim that KWS has recently commenced fencing off the trust land, thereby completely cutting off the community from the area, and that all efforts to resolve the matter have not borne fruit.

They therefore pray that the National Assembly, through the Public Petitions Committee, inquires into the legal status of L.R. No. 249 of 1963 and makes recommendations for the settlement of the squatters within Taveta Constituency, together with any other recommendations it may deem fit to address the plight of the Petitioners.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's records indicate that it received a total of **forty-one (41)** historical land injustice claims from Taita Taveta County. However, as at 21st

September 2021, Nyario ya Kididi cha Bhatubheta Culture Community had not lodged any claim before the Commission in relation to the matters raised in the Petition.

The Commission wishes to clarify that claims relating to historical land injustices are handled within the legal framework established under Article 67(2)(e) of the Constitution of Kenya, 2010, as read together with the relevant provisions of the National Land Commission Act. In this regard, Parliament amended the law to provide an opportunity for individuals and communities who had not previously filed claims relating to historical land injustices to do so within the prescribed framework.

Accordingly, should the Nyario ya Kididi cha Bhatubheta Culture Community choose to file a claim before the Commission, the claim will be subjected to an admissibility assessment to determine whether it satisfies the legal threshold and the criteria set out under the applicable law and regulations governing historical land injustice claims. This process is necessary to establish whether the matter falls within the Commission's mandate and whether it is properly before the Commission for determination.

Where the claim satisfies the admissibility criteria, the Commission will proceed to institute the appropriate investigative process, including an investigative hearing, for purposes of inquiring into the facts and circumstances of the claim and making such findings and recommendations as may be warranted in law. However, where the claim does not meet the admissibility requirements, the claimants will be duly advised and guided on the appropriate institution, forum, or legal avenue through which the matter may be pursued.

In the circumstances, the Commission's position is that the issues raised by the Petitioners have not been presented before it as a formal historical land injustice claim, and therefore the Commission has not had the opportunity to consider the matter within the statutory process provided under the law.

6) PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETTEMENT OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.

PETITIONERS CLAIM

The Petitioners, on behalf of the Il'ngwesi and Yaaku communities in Laikipia North Constituency, contend that the Mukogodo Forest Reserve, covering approximately 30,189 hectares and gazetted as a public forest through Gazette Notice LN 174 of 1964, historically forms part of the ancestral land traditionally occupied and managed by the local communities.

The Petitioners state that the Il'ngwesi and Yaaku communities have long relied on the forest as a source of livelihood, cultural heritage, and spiritual significance. They further indicate that the communities established the Ilmamusi–Mukogodo Forest Association to participate in the conservation and management of the forest and to safeguard the ecological and cultural value of the area.

However, the Petitioners aver that persistent insecurity, including incidents of banditry and livestock theft, forced members of the communities to temporarily vacate the forest area. They contend that this displacement has led to illegal occupation and degradation of the forest ecosystem.

In view of the foregoing, the Petitioners seek the intervention of Parliament to review the legal status of the forest reserve, consider revocation of the gazettement of Mukogodo Forest as a public forest, and facilitate restoration

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's position is that the issues raised in the Petition, particularly those relating to the revocation of the gazettement of Mukogodo Forest Reserve as a public forest and any consequent variation of its legal status, are matters that fall primarily within the mandate of the Ministry of Environment, Climate Change and Forestry and the institutions established under the Forests Conservation and Management Act, including the framework set out under sections 33 and 34 on the declaration, variation, and revocation of public forests.

Accordingly, the Commission considers that this matter is best addressed by the Ministry and the relevant forest sector agencies, which are the competent authorities to deal with the gazettement or degazettement of public forests and any related administrative or legal processes.

6) PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETEMENT OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.

PETITIONERS CLAIM

The Petitioners, on behalf of the Il'ngwesi and Yaaku communities in Laikipia North Constituency, contend that the Mukogodo Forest Reserve, covering approximately 30,189 hectares and gazetted as a public forest through Gazette Notice LN 174 of 1964, historically forms part of the ancestral land traditionally occupied and managed by the local communities.

The Petitioners state that the Il'ngwesi and Yaaku communities have long relied on the forest as a source of livelihood, cultural heritage, and spiritual significance. They further indicate that the communities established the Ilmamusi-Mukogodo Forest Association to participate in the conservation and management of the forest and to safeguard the ecological and cultural value of the area.

However, the Petitioners aver that persistent insecurity, including incidents of banditry and livestock theft, forced members of the communities to temporarily vacate the forest area. They contend that this displacement has led to illegal occupation and degradation of the forest ecosystem.

In view of the foregoing, the Petitioners seek the intervention of Parliament to review the legal status of the forest reserve, consider revocation of the gazettement of Mukogodo Forest as a public forest, and facilitate restoration

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's position is that the issues raised in the Petition, particularly those relating to the revocation of the gazettement of Mukogodo Forest Reserve as a public forest and any consequent variation of its legal status, are matters that fall primarily within the mandate of the Ministry of Environment, Climate Change and Forestry and the institutions established under the Forests Conservation and Management Act, including the framework set out under sections 33 and 34 on the declaration, variation, and revocation of public forests.

Accordingly, the Commission considers that this matter is best addressed by the Ministry and the relevant forest sector agencies, which are the competent authorities to deal with the gazettement or degazettement of public forests and any related administrative or legal processes.

7) PETITION BY HON. RAHIM DAWOOD, MP REGARDING COMPENSATION AND LAND ALLOCATION TO MAU MAU WAR VETERANS OF MERU COUNTY.

PETITIONERS' CLAIM

The Petitioners, acting on behalf of the Mau Mau Freedom Fighters of Meru County, claim that despite the recognition framework established under section 3 of the Kenya Heroes Act, many Mau Mau war veterans who contributed to Kenya's liberation struggle have never received proper recognition, compensation, or reparation. They state that since independence in 1963, a section of Mau Mau veterans who suffered displacement, forced evictions, and other injustices under colonial rule have remained without redress.

The Petition further alleges that although the Mau Mau War Veterans Association (MMWVA) was formed to unify veterans, some regional leaders were never appointed and funds allocated by the Government were misappropriated, thereby denying veterans and their families the intended economic relief. The Petitioners also contend that regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to pursue land rights and reparations, but veterans from other regions, including Meru, were excluded from those initiatives.

They further claim that some veterans were previously compelled to mobilize their own resources and fundraise in order to purchase land from white settlers, a process that excluded many who could not afford to participate. The Petitioners maintain that the efforts by Mau Mau veterans to obtain justice and reparations for violations such as economic dispossession, evictions, forced labour, rape, and murder committed during the colonial period have remained unaddressed.

Consequently, the Petitioners seek the intervention of the National Assembly to facilitate the resettlement of Mau Mau war veterans and their families on ancestral land, promote regional representation in the Mau Mau War Veterans Association, support formal recognition of the Mau Mau Movement under the Kenya Heroes Act, and have the historical land injustices raised investigated by the National Land Commission.

OUR RESPONSE

The Commission's records indicate that it received a total of **thirteen (13)** historical land injustice claims from Meru County. However, the Mau Mau freedom fighters of Meru did not lodge any specific claim before the Commission

in respect of the matters now raised in the Petition. The Commission wishes to clarify that its mandate on historical land injustices is derived from Article 67(2)(e) of the Constitution, as operationalized under section 15 of the National Land Commission Act, as amended, and the National Land Commission (Investigation of Historical Land Injustices) Regulations.

Under this legal framework, any claim relating to a historical land injustice must first be formally lodged before the Commission and thereafter subjected to a vetting and admissibility assessment to determine whether it meets the prescribed legal threshold. This assessment considers, among other things, whether the complaint relates to a recognized historical land injustice, whether it concerns a violation of rights in land, whether it remains unresolved, and whether it falls within the Commission's mandate. Upon such assessment, the Commission may admit the claim for investigation, reject it with reasons, refer the claimants to another appropriate institution, or consolidate it with related claims where applicable.

Accordingly, the Commission's position is that the Petition, as presently framed, does not correspond to any claim filed before it by the Mau Mau freedom fighters of Meru under the historical land injustice framework. The Commission has therefore not had the opportunity to assess the matter for admissibility, undertake investigations, hear the parties, or make any recommendation for redress on the grievances now being advanced.

The Commission nevertheless notes that the current legal framework provides an avenue through which the Mau Mau freedom fighters of Meru, or their representatives, may formally lodge a claim on the alleged historical land injustice. Once such a claim is filed, it will be considered strictly in accordance with the Constitution, the National Land Commission Act, and the applicable Regulations. If the claim meets the admissibility threshold, the Commission will proceed with the requisite investigative process. If it does not meet the threshold, the claimants will be advised on the appropriate institution or legal avenue through which the matter may be pursued.

In summary, while the grievances raised by the Petitioners may be deserving of consideration, no claim concerning the alleged historical land injustice affecting the Mau Mau freedom fighters of Meru has so far been filed with the Commission. The Commission therefore advises that the matter be formally presented to enable consideration within the framework of the law.

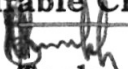
CONCLUSION

Honourable Chairpersons and Honourable Members,

Commission remains fully committed to executing its constitutional mandate on compulsory acquisition in a lawful, transparent, and participatory manner, while safeguarding the rights and interests of affected communities.

I thank the Joint Committee and stand ready to provide any further clarification as may be required.

Honourable Chairpersons and Honourable Members, I submit.


→ **Kabale Tache Arero, MBS**
SECRETARY/CEO

Encl



OFFICE OF THE DIRECTOR GENERAL

Ref: KeNHA/04.D/S/VOL.62/26

Date: 2nd March, 2026

Serah M. Kioko, MBS
Office of the Clerk
National Assembly
Main Parliament Buildings
P.O Box 41842 - 00100
NAIROBI

ATTN(S)

Dear *Clerk, NA.*

RE: INVITATION TO A MEETING WITH PUBLIC PETITIONS COMMITTEE

Reference is made to your letter Ref. NA/DAA&GPC/PPC/2026/014 dated 18th February, 2026, inviting us to appear before the Public Petitions Committee meeting scheduled for Tuesday 10th March, 2026 to discuss the issues raised in the Petitions. We note that only two of the Petitions touch on Roads under our jurisdiction: -

1. P/No.35/2023 by Mr. Ibrahim Nthitu Makwattah regarding compensation of compulsory acquired land and properties along Kibwezi-Kiyui Road, and
2. P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land

In preparation for the said meeting, we hereby submit the reports covering the two Petitions. A soft copy of the same has also been forwarded via email to oscar.wesonga@parliament.go.ke and cna@parliament.go.ke.

Yours *Sincerely,*

Eng. Luka Kimeli
DIRECTOR GENERAL

Encls.

Copy to:

Eng. Joseph M. Mbugua, CBS
Principal Secretary
State Department for Roads
Ministry of Roads and Transport
P. O. Box 30260 - 00100
NAIROBI

Vision: A quality National Trunk Road Network to all for prosperity

Mission: To develop and manage resilient, safe, and adequate National Trunk Roads for sustainable development through Innovation and optimal utilization of resources

Core Values: Accountability Sustainability Innovation Teamwork

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PUBLIC PETITION NO. 18/2025 REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND BY THE RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY

1. INTRODUCTION

- a) Gitei village is within Kirigiti location, Riabai ward in Kiambu County.
- b) The village is situated along Ruiru-Tatu City - Kiambu (B115) Road which is under jurisdiction of Kenya National Highways Authority.
- c) It is located on the Right-Hand Side (RHS) of the road between Chainage Km 12+800 (Kiu River Bridge) and Km 14+500 (Kirigiti), 1.7km.
- d) As part of the road reserve protection initiatives, KeNHA through the maintenance Contractor was installing road reserve marker posts along the entire road corridor (Ruiru (*KU Campus*) to Kiambu (*Kiambu Police Station*)). In this exercise KeNHA relied on the available land records (approved survey maps) to determine the road corridor extents. However, the landowners in Gitei Village disputed the road reserve extents as determined by KeNHA
- e) Due to the dispute, KeNHA did not manage to install the marker post along the road section covering the Village, totaling approximately 1.7km.
- f) On other sections of road reserve other than the section under investigation, It had been established that the road extent was as follows;

2. SURVEY RECORDS AND ROAD RESERVE WIDTH

KeNHA referred to the several survey records to demarcate the road reserve boundary at the section covering the Village: -

- a) Survey plan FR No. 9/69 (Authenticated in 1915) which provides a road reserve of 60m (*Attached*).
- b) Registry Index Map (RIM) Ndumberi / Riabai/Sheet 12 and Sheet 9 (*Both published in 1959 after demarcation*), when geo-referenced aligns with the RHS road reserve boundary of Survey Plan FR No. 9/69 (Beacons 13W, 14W and 15W).

The demarcation of 1959, therefore, was done in recognition of previous land records, (Survey Plan FR No. 9/69).

3. STAKEHOLDER ENGAGEMENT

- a) Due to the dispute that arose during the installation of the marker posts within Gitei village, the Authority and the Local Administration organized several public meetings;
 - The first public sensitization was held at Kenton Hotel on 12th May, 2025 between Gitei Residents, local administration and KeNHA
 - The second meeting was held at the Kiambu Town DCC's boardroom on 2nd July 2025 between Gitei Residents representatives, local administration, KeNHA, Kiambu District Surveyor and Kiambu Water and Sewerage Company (*Minutes attached*).
- b) The issues raised in the petition were discussed extensively.

- c) The Kiambu District Surveyor concurred with KeNHA that the road reserve was 60m as per the land records.
- d) Gitei Village residents, during the first meeting, were asked to consult a private Licensed Land Surveyor, to verify the road reserve extent and provide a report finding to the next stakeholder meeting. The report has not been provided to date.

4. GAZETTE NOTICE

- a) The Ministry of Roads, Public Works and Housing in 2003 issued a Kenya Gazette notice, Vol. CV – No. 59 of 6th June, 2003 (GN No. 3632) on encroachment on classified road reserves. The Gazette Notice highlighted that the “**desirable**” road reserve width for Class C is 40m. However, the Gazette Notice cannot be interpreted as negating an already approved land record
- b) The Residents of Gitei Village were guided properly on the interpretation of the gazette notice.

5. A LETTER TO MR. PHILIP MUCHABA FROM MoRPWH

The letter dated 19th January, 2004 on encroachment on road reserve along road C63 Kiambu - Ruiru refers to **construction drawings** and not land records. To note is that construction width is not the same as road reserve width

6. CONCLUSION AND RECOMMENDATION

- a) As per the referred land records, the residents of Gitei Village have encroached into the road reserve by approximately 20m.
- b) The encroachments should be removed from road reserve to ensure that the Authority achieves its mandate as defined in law.

AHHEX(6)



Machakos Road, Industrial Area P.O. Box 200 – 00507 Nairobi.
Tel: 020 – 2632237 / 020 – 2642475. Website www.kenha.co.ke Email: rd.nairobi@kenha.co.ke
Office of the Regional Director
Regional Network Maintenance (Nairobi).

MINUTES OF STAKEHOLDERS' MEETING ON ROAD RESERVE BOUNDARY CONCERNS IN GITEI VILLAGE ALONG RUIRU-TATU CITY-KIAMBU (B115) ROAD HELD ON 12TH MAY, 2025 AT 11:30 AM AT KENTON HOTEL

MEMBERS PRESENT

1. Deputy County Commissioner
2. KeNHA Nairobi Region Representatives
3. Kiambu County Representatives – Department of Land, Housing, Physical Planning & Urban Development
4. Kiambu Member of Parliament Representative
5. Member of the County Assembly for Riabai Ward
6. Member of the County Assembly for Ting'ang'a Ward
7. Local Administration
8. Lakezone Enterprises Ltd Representative
9. Kenton Hotel Representative
10. Gitei Village Residents

AGENDA

1. Introduction
2. Opening Remarks
3. Presentation of Road Reserve Boundary
4. Deliberations
5. Way Forward
6. Conclusion
7. Adjournment

Kenya National Highways Authority
Mission: To develop and manage resilient, safe, and adequate National Trunk Roads for sustainable development through Innovation and optimal utilization of resources

Kenya National Highways Authority
Core Values: Accountability Sustainability Innovation Teamwork

Kenya National Highways Authority
✂️ Kenya Kenya 📞 Kenya National Highways Authority 📧 Kenya National Highways Authority 📺 kenha_kenya 📺 kenhaofficial

ISO 9001 : 2015 & ISO/IEC 27001 : 2022 Certified

MIN	DELIBERATION	ACTION
<p>1.0</p> <p>1.1</p> <p>1.2</p>	<p>Introduction</p> <p>Members assembled at Kenton Hotel’s Conference Hall at 11:35am and the meeting commenced. The area chief, Mr. John Njenga, welcomed all the members for the meeting after which self- introduction was done by the members present. The Chairperson, then briefed the team on the purpose of the meeting, noting that there was need to find a solution for the road reserve boundary dispute at Gitei Village along Ruiru-Tatu City-Kiambu Road.</p> <p>The Chairperson further informed the members that KeNHA was doing the installation of road reserve boundary posts along Ruiru-Tatu City-Kiambu. The progress had, however, been hampered by the disputes on the road reserve extent from Km 12+800 (Kiu River) to Km 14+500 (Kirigiti). The Contractor had begun installation of the boundary posts at the section; but, there was resistance by the residents who stopped the installation until the boundary dispute was amicably resolved.</p>	<p>Info</p>
<p>2.0</p> <p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Opening Remarks</p> <p>The leaders made their opening remarks as highlighted below;</p> <ul style="list-style-type: none"> The MCA, Riabai Ward, appreciated KeNHA for Ruiru-Tatu City-Kiambu Road improvement works, noting that the road was now in good condition. He however pointed out that there were safety concerns that arose from speeding vehicles and the recently installed humps. A complain that had been communicated to KeNHA in writing for action. <p>On matters concerning the road reserve extent, he highlighted that there was a need for the residents to be engaged before the installation of the boundary posts. He indicated that the residents had raised concerns that KeNHA had encroached on their land.</p> <ul style="list-style-type: none"> The MCA, Ting’ang’a Ward, further raised concerns on flooding in Mugumo area, noting that the drainage issue was just as important as the road reserve extent issue. 	<p>MCA-Riabai</p> <p>MCA-Ting’ang’a</p>

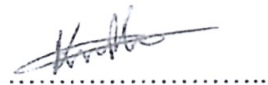
	<ul style="list-style-type: none"> The Kiambu MP's representative appreciated the KeNHA team for their collaborative efforts with the Kiambu MP's office, noting that most safety issues had been addressed. 	Kiambu MP Representative
<p>3.0</p> <p>3.1</p>	<p>Presentation of Road Reserve Boundary</p> <p>The KeNHA team briefly informed the members about the project road, Ruiru-Tatu City-Kiambu (B115) Road and the ongoing maintenance project. It was further highlighted that the section that had road reserve extent concerns was from Kiu River to Kirigiti, Km 12+800 – Km 14+500 (RHS).</p> <p>The KeNHA team had sourced for Survey maps to confirm the extent of the entire road. It had been established that the road extent was as follows;</p> <ul style="list-style-type: none"> Km 0+000 (Kenyatta University Ruiru Campus) – Km 9+500 (Tatu City); 60m Corridor extent Km 9+500 (Tatu City) – Km 10+000 (Kamiti River/Rutoro); 40m Corridor extent Km 10+000 (Kamiti River/Rutoro) – Km 14+500 (Kirigiti (Kwa Muchamba)); 60m Corridor extent Km 14+500 (Kirigiti (Kwa Muchamba)) – Km 17+000 (Kiambu Police Station/Jcn B32); 20m Corridor extent <p>The road then narrows towards Kiambu.</p> <p>Members were informed that marker posts had been erected from Ruiru to Kiambu except for the affected section, Kiu River to Kirigiti, Km 12+800 – Km 14+500 (RHS).</p> <p>Survey maps (RIMs Ndumberi/Riabai Sheet 9&12 (Published in 1959) and Survey Plan FR No. 9/69 (Authenticated in 1914)) acquired from the Survey of Kenya were used to generate coordinates for the marker posts, and they indicated that the residents had encroached the road by approximately 20m.</p>	

4.0	Deliberations	
4.1	<p>Following the above-mentioned findings, the members reacted with the following summarized concerns;</p> <ul style="list-style-type: none"> ➤ Exact widths of the road reserve as measured in the survey map were in feet as opposed to meters. ➤ Members differed with the extent of 60m as they indicated that they had sourced for surveyors when demarcating their land. They cited concerns on how all the land owners from Kiu River to Kirigiti might have encroached yet it was government surveyors who had demarcated their lands. Further, they had been informed that the road extent was 40m when the road had first been constructed. ➤ Lack of uniformity in the corridor extent for the entire road. ➤ Concern on whether the change in road class affected the road extent, from Class C road to Class B. 	Members
4.2	<p>The KeNHA team responded to the raised concerns as below;</p> <ul style="list-style-type: none"> ➤ The road corridor extent was 60m and had not changed since 1959 even with the reclassification of Ruiru-Tatu City-Kiambu Road from Class D to B. ➤ The road was upgraded/reclassified to Class B due to the economic importance of the road and allocation of resources. ➤ During construction of the road, the beacons provided might have indicated the right of way for construction and not necessarily the corridor extent. ➤ KeNHA was formed in 2007, after which maps were acquired from Survey of Kenya and hence had no historical records/maps which indicate corridor extent of 40m. ➤ The measurements in feet from the Survey maps were converted to meters and it indicated the corridor extent to be 60m for the affected section. ➤ The road extent was provided historically and it may not be uniform for the entire road, depending on the status during acquisition and construction. ➤ Title deeds and road reserve extent coordinates come from the same survey maps. Therefore, all surveyors should use the current survey maps from the 	KeNHA

4.3	<p>Survey of Kenya during the demarcation of the road and land, ensuring that the boundary remains consistent.</p> <p>The Deputy County Commissioner pointed out that there was a need for collaboration between KeNHA, County planners and the Survey of Kenya for confirmation of the road reserve extent and land/plot boundaries.</p>	DCC
5.0	<p>Way Forward</p> <p>It was agreed that a task force committee would be formed with the mandate of establishing the exact road extent. This was to be done by confirmation of the survey maps from the Survey of Kenya and old maps, which were to be provided by the residents.</p>	Taskforce Committee
6.0	<p>Conclusion</p> <p>All stakeholders exhibited goodwill towards the task force's undertakings and assured their support throughout the process.</p> <p>The Chair appreciated all the stakeholders for availing themselves for the meeting and their cooperation.</p> <p>The area MCA thanked the members for sparing time to attend the meeting and advised the taskforce that road improvement works should involve the locals.</p>	Info
7.0	<p>Adjournment</p> <p>The meeting was adjourned at 2:00 pm, and the proposed next meeting was scheduled to take place in a month.</p>	Info



Eng. Rinah Chikamai
CHAIRPERSON






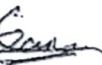
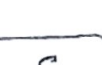
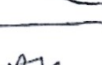


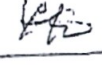




Mr. Kipkemoi Rono
SECRETARY



STAKEHOLDER ENGAGEMENT MEETING FOR ROAD RESERVE BOUNDARY CONCERNS ALONG RUIRU- TATU CITY- KIAMBU
(B115) ROAD HELD ON 12th MAY, 2025 AT KENTON HOTEL FROM 11.00 AM

ATTENDANCE LIST

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
1.	Kipkemur Peter	KenHA	Sr. SURVEYOR	0707889469	kipkemur@kenha.co.ke	
2.	Regina T. Mwangi	KenHA	Supt. Roads	0726118998	ReginaT@kenha.co.ke	
3.	Mwangi Grace	KenHA	ASST. SURV	0702423234		
4.	PETER MUNGU	KenHA	A.E	07201447097	mungu@kenha.co.ke	
5.	ACHUTI S.O.	KenHA	PLAD	0724903025	shookac@gmail.com	
6.	David Soma	KenHA	A. Surveyor	0720383426	d.soma@kenha.co.ke	
7.	James Murethi	KenHA	Surveyor Asst	0721783932	murethijames@gmail.com	
8.	Boniface Kimunys Mwai			0721527928	bonimwai@gmail.com	
9.	FRANCIS RONJO KINYASU			0712209763		
10.	Loise Wanjira			0707369599		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
11.	David Ojumba	KenHA	AICTO	0776776323		
12.	John Kinyo	enr COTEP	Director	0726809419		
13.	Stanley Gikwa	Asst/Chief	Interior	0727427738		
14.	NANGI WAINAMU CHIRI			0768157696		
15.	D.K. Muchaba			0724-734087		
16.	Sophome Moko			0707-224492		
17.	Bernard Kitemu			0717395847		
18.	John Mungu			0724-734087		
19.	Wambugu Gachugu			0707195669		
20.	LAWRENCE MUIRURI			0713772362		
21.	SAMUEL KAZAJA			072549-3025		
22.	Peter Kinyo			0723780675		
23.	STEPHEN M. MUCHU			0722527031		



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote reference

REF: NA/DAA&GPC/PPC/2026/014

18th February, 2026

Hon. Generali Nixon Korir

Principal Secretary
State Department for Lands & Physical Planning
Ministry of Lands, Public Works, Housing & Urban Development
Ardhi House, Off Ngong Rd
P. O. Box 30450-00100
Email: info@ardhi.go.ke

NAIROBI

Kabale Tache, MBS

Chief Executive Officer
National Land Commission
20th Floor, 316 Upper Hill Chamber
2nd Ngong Avenue

NAIROBI

Eng. Luka Kimeli

AG. Director General
Kenya National Highways Authority (KeNHA)
Barabara Plaza, Block A & C
Jomo Kenyatta International Airport (JKIA)
Off Airport South Road, Along Mazao Road
P.O. Box 49712-00100

NAIROBI

Dear *Sir*,

RE: INVITATION TO A MEETING WITH THE PUBLIC PETITIONS COMMITTEE

The Public Petitions Committee is established under Standing Order 208A and mandated to, *inter alia*, consider all public petitions tabled in the House and make such recommendations as may be appropriate with respect to the prayers sought in the petitions.

Pursuant to Standing Order 225, the following petitions were presented to the House and the Honourable Speaker committed them to the Public Petitions Committee as per the provisions of Standing Order 227 (*Copies attached*) -

- i) P/No.32/2025 by landowners affected by the construction of the road regarding compensation for residents of the Embu Ring/ Connector Road project in Embu County;
- ii) P/No.35/2023 by Mr. Ibrahim Nthitu Makwattah regarding Compensation of compulsory acquired land and properties along Kibwezi - Kitui Road;

- iii) P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;
- iv) P/No. 11/2024 by (Prof.) Phyllis Bartoo, MP regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;
- v) P/No. 03/2024 by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;
- vi) P/No. 13/2025 by Hon. Sarah Korere, MP regarding revocation of the gazettement of Mukogodo forest reserve as a public forest; and
- vii) P/No. 11/2025 by Hon. Rahim Dawood, MP regarding compensation and Land allocation to Mau Mau War Veterans of Meru County.

In this regard, the Committee invites you to a meeting on **Tuesday, 10th March 2026** at **11:30 am**. The meeting will be held in a venue, within Parliament Buildings, to be communicated in due course.

During the meeting, you will be expected to make submissions addressing the key issues raised in the petition with specific recommendations addressing the prayers sought by the petitioners.

Our Liaison Officers for the meeting are **Mr. Oscar Namulanda, Deputy Director**, who may be contacted on **Tel. No. 0722581190** or Email: oscar.wesonga@parliament.go.ke and **Mr. Victor Weke, Principal Clerk Assistant II**, who may be contacted on **Tel. No. 0736124597** or Email: victor.imbo@parliament.go.ke copy to: cna@parliament.go.ke.

Yours sincerely,


Sarah M. Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Hon. Alice Wahome, EGH
Cabinet Secretary
Ministry of Lands, Public Works, Housing & Urban Development
Ardhi House, Off Ngong Rd
P. O. Box 30450 - 00100
NAIROBI

Eng. Joseph Mbugua
Principal Secretary
State Department for Roads
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

CPA Dr. Aurelia C. Rono, CBS
Principal Secretary
State Department for Parliamentary Affairs
Railways Building
NAIROBI