REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

Approved
SNA
30/9/26

PARLIAMENT
OF KENYA
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THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO.18 OF 2025 BY HON. JOHN MACHUA WAITHAKA, M.P REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND BY RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026 DAY. Wednesday
TABLED BY: Hon. Janet Sitienei, MP (Vice-Chairperson)
CLERK-AT THE-TABLE: Lomala

NATIONAL ASSEMBLY
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SPEAKER'S OFFICE
P.O. Box 41842-00100 NAIROBI

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SEPTEMBER, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS 1

CHAIRPERSON'S FOREWORD 2

PART ONE 3

1. PREFACE 3

1.1 Establishment and Mandate of the Committee 3

1.2 Committee Membership 4

1.3 Committee Secretariat 5

PART TWO 6

2. BACKGROUND OF THE PETITION 6

2.1 Introduction 6

2.2 Petitioners' Prayers 7

PART THREE 8

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION 8

3.1 The Petitioners 8

3.2 Ministry of Lands, Public Works, Housing & Urban Development 9

3.3 National Land Commission 9

3.4 Kenya National Highways Authority 10

PART FOUR 12

4. COMMITTEE OBSERVATIONS 12

PART FIVE 13

5. COMMITTEE RECOMMENDATIONS 13

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 honour to present to this House the Report of the Committee on the Public Petition No. 18 of 2025 by Hon. John Machua Waithaka, M.P regarding the variation of the boundaries of a road reserve in Kiambu County and the protection of ancestral land. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. John Machua Waithaka, MP, on behalf of the residents of Gitei village in Kiambu County.

In consideration of the petition, the Committee engaged with the Petitioners, the Ministry of Lands, Public Works, Housing and Urban Development, the Kenya National Highways Authority (KeNHA) and the National Land Commission (NLC).

The Committee notes that the Kenya National Highways Authority submitted that the petitioners had encroached into the road reserve by approximately 20m. The Ministry of Lands and the NLC affirmed that the road reserve was 60 metre long as per lands records.

In response to the prayers made by the petitioners and the submissions provided by the various stakeholders, the Committee recommends that the Ministry of Lands investigates circumstances of residents holding valid title deeds which include the disputed 20 metre land and administrative action taken on those responsible.

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 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:
   i) considering all public petitions tabled in the House;
   ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
   iii) recommending whether the findings arising from consideration of a petition should be debated; and
   iv) 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

Ms. Viola Saiya
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

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2. BACKGROUND OF THE PETITION

2.1 Introduction

4) Public Petition No. 18 of 2025, regarding road reserve boundaries and protection of ancestral land by residents of Gitei village, Kiambu County was presented to the House on 8th October, 2025 by the Hon. Machua Waithaka, M.P, on behalf of residents of Gitei Village.

5) The Petitioners raised concerns on the inordinate placement of beacons by KeNHA along the stretch from Kiu River to Kirigiti. KeNHA placed new beacons along the road between KM 12+800(Kiu River) and KM 14+500(Kirigiti), with an intention to expand the road reserve from 40 meters to 60 meters, contrary to long standing government assurances and community practice.

6) The Survey Plan FR No.9/69(authenticated in 1914) forms the basis of KeNHA's decisions, despite being a colonial era plan drawn prior to Kenya's independence which provides for inconsistent corridor widths along the same road.

7) The Kenya land demarcation of 1958 and subsequent developments, burials and investments were carried out with the assurance of a 40-metre reserve, extending the corridor to 60 meters would result in exhumations, demolitions, displacement and irreparable intergenerational losses.

8) Kenya Gazette Vol. CV No.59 of 6th June, 2023 classified the Kiambu-Ruiru road as C63 with a gazetted road reserve corridor of 40 meters which has consistently guided contractors and residents since independence.

9) The then Ministry of Public Works vide a letter dated 19th June, 2024 in response to an inquiry by Mr. D. K Muchaba, a resident of Gitei village confirmed that the road reserve at the affected section is 40 meters wide.

10) The Kiu River which serves as the main water source for Gitei Village is designated as a riparian land by the Water Resources Management Authority (WARMA) at 30 meters from the river edge and combined with KeNHA's 60 metre claim, this renders some parcels of land such as Ndumberi/Riabai 14, 125 and 337 entirely consumed, leaving land owners landless despite holding valid tittles.

11) Residents continue to pay land rates on such parcels without compensation or exemption even when their land is designated as riparian or compulsory acquired. Despite various engagements with KeNHA, WARMA and Kiambu Water and Sewerage Company through letters, site visits and consultations, residents have not received any substantive response, compensation or relief.

2.2 Petitioners' Prayers

12) The Petitioners prayed that the National Assembly, through the Public Petitions Committee—

i) There is immediate review and revocation of reliance on Survey Plan FR No.9/69(1914) and adoption of current statutes, gazette notices and recommends for gazettement of the road reserve between KM 12+800 (Kiu River) and KM 14+500(Kirigiti) as 40 meters to ensure uniformity with the rest of the Kiambu-Ruiru road corridor;

ii) There is recognition and protection of the valid certificates of title particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337; and

iii) Equitable and transparent compensation for any compulsory acquisition of land is carried out through a meaningful public participation and legal due process.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The Hon. John Machua, M.P, on Thursday, 17th February, 2026, appeared before the Committee alongside three (3) representatives of Gitei Village and submitted as follows -

13) While surveyors have historically relied on survey maps prepared in 1968, KeNHA is currently relying on Survey Plan FR No.9/69 of 1914. He argued that the land demarcation undertaken in 1958 resulted in the current boundary configuration of the region, and therefore reliance on a 1914 survey plan is erroneous and inconsistent with subsequent demarcations.
14) He further submitted that in 2019, the Kiambu Water and Sewerage Company acquired parcels of riparian land measuring approximately 30 meters without compensating the affected landowners. He contended that any additional acquisition by KeNHA would render some villagers landless, despite their possession of valid title deeds.
15) Mr. Kamini stated that KeNHA intends to encroach on a stretch of approximately two (2) kilometers, which would affect properties that have already received development approvals from the County Government. He expressed concern that public utilities and government projects, including electricity infrastructure and social amenities, would also be adversely affected. He further submitted that families risk being rendered homeless and effectively disinherited, depending on the residual land remaining after the proposed expansion by KeNHA.
16) The petitioners submitted that there have been no substantive discussions regarding compensation. They further contended that the road reserve between Kiambu and Ruiru is not uniform. According to the petitioners, from Ruiru, KeNHA beacons are placed at 40 meters, and it is only at the Two Rivers area where beacons have been positioned at 60 meters. The residents are therefore protesting the proposed placement of beacons at 60 meters within their locality while other sections remain at 40 meters.
17) Reference was made to the *Kenya Gazette*, Vol. CV No. 59 of 6th June 2023, which classified the Kiambu–Ruiru Road as C63 with a gazetted road reserve corridor of 40 meters. The petitioners submitted that this classification has consistently guided contractors and residents since independence. It was further submitted that a beacon has recently been erected on Land Parcel No. 25, prompting residents to petition Parliament.
18) The petitioners submitted that the ongoing demarcation exercise is linked to planning for the Kiambu Road expansion. They observed that land situated opposite the affected village is largely undeveloped and under coffee plantation. They proposed that KeNHA consider negotiating with the owner of the vacant farm instead of displacing residents from what they described as ancestral or historically occupied land.

3.2 Ministry of Lands, Public Works, Housing & Urban Development

The Principal Secretary, State Department for Lands, Hon. Nixon Korir vide a written submission dated Tuesday, 10th March, 2026 in response to the petition, submitted as follows -

19) Concerning the reliance of survey plan F/R9/69 of 1914 and the protection of valid certificates of title; 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.
20) 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.
21) The riparian reserve forms part of the total acreage of each parcel of land. 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.
22) Regarding equitable and transparent compensation for compulsory acquisition and requisite public participation are matters that fall under the purview of the National Land Commission (NLC).

3.3 National Land Commission

The Chairperson and CEO OF THE National Land Commission appeared before the Committee on 2nd June 2026 and submitted as follows;

23) Gitei Village is situated within Kirigiti Location, Rabai Ward, Kiambu County, along the Ruiru–Tatu City–Kiambu Road (classified as C115). This road falls under the mandate of the Kenya National Highways Authority (KeNHA). Notably, there is an ongoing dispute between KeNHA and the local landowners in Gitei Village, specifically those whose properties border the road.
24) Originally, the road reserve width was planned and surveyed at 60 meters, as clearly delineated on Survey Plan F/R No. 9/69, which was surveyed and authenticated in 1915. A subsequent survey conducted in 1959 was recorded on Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9. An analysis shows that these 1959 RIMs align perfectly with the original 1915 survey.
25) Later, on 6th June, 2003, the Ministry of Roads and Public Works published Gazette Notice No. 3632 (Vol. CV, No. 59), which states that the desirable road reserve for Class C roads is 40 meters. However, this notice was general and did not specifically reference the C115 road. This is the specific gazette notice that the Gitei Village landowners are relying on to support their claim.
26) As a matter of law, a gazetted road reserve is strictly unavailable for allocation, excision, or private use. While Gazette Notice No. 3632 serves as a general advisory on the standard

parameters for Class C roads, it cannot legally be used to excise portions of an already established public road. Any encroachment or excision upon a planned, reserved, and surveyed road constitutes an illegal overlap, rendering any such private claims not only highly irregular but fundamentally unlawful.

27) Any excision of any part of the planned, reserved and surveyed road is considered as an overlap on the road which is not only irregular but also illegal.

28) In accordance with official government survey records, the statutory width of the C115 road reserve remains 60 meters. The purported reduction of this road reserve from 60 meters to 40 meters based on Gazette Notice No. 3632 is legally untenable.

29) It is recommended that the current registry records be amended and re-aligned to conform with the original road reserve width and boundaries as established and authenticated in the 1915 survey.

3.4 Kenya National Highways Authority

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

30) Regarding the survey records and road reserve width, KeNHA referred to several survey records to demarcate the road reserve boundary at the section covering the village-
   i) Survey plan FR No.9/69(Authenticated in 1915) which provides a road reserve of 60m; and
   ii) 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 12W,14W and 15W).

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

32) The commission held stakeholder engagements with the residents. The first public sensitization was held on 12th May, 2025 between residents of Gitei village, local administration and KeNHA. The second meeting was held at Kiambu town DCC's boardroom on 2nd July, 2025 between the resident representatives, local administration, KeNHA, Kiambu District Surveyor and Kiambu Water and Sewerage Company.

33) The Kiambu District Surveyor concurred with KeNHA that the road reserve was 60m as per the land records. 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 notice cannot be interpreted as negating an already approved land record.

34) Construction width is not the same as road width hence as per the land records, the residents of Gitei village have encroached into the road reserve by approximately 20m. It is the

commissions position that the encroachments should be removed from road reserve to ensure that the authority achieves its mandate as defined by the law.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other stakeholders, the Committee observed that -

35) The Ministry of Lands affirmed that 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.

36) The National Land Commission also affirmed that the Survey Plan F/R No. 9/69, which was surveyed and authenticated in 1915 and a subsequent survey conducted in 1959 was recorded on Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9. An analysis shows that these 1959 RIMs align perfectly with the original 1915 survey, and that the road reserve is 60 metres.

37) The cited Ministry of Roads and Public Works Gazette Notice No. 3632 (Vol. CV, No. 59) dated 6th June, 2003 was a general gazette notice on **desirable** road standards, and not an excision surrender. It is therefore inconceivable that valid titles could have been produced encroaching on the road reserve.

38) The Kiambu District Surveyor concurred with KeNHA that the road reserve was 60m as per the land records and that the petitioners have encroached into the road reserve by approximately 20m.

39) The Committee therefore notes the petitioners' claims that they hold valid titles to the land is untenable.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

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

1) On the prayer that the National Assembly inquires into the immediate review and revocation of reliance on Survey Plan FR No.9/69(1941) and adoption of current statutes, gazette notices and the recommendation for gazettement 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; **the Committee declines to grant this prayer as the road reserve is legally 60 metre wide, as per the Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9, as aligned with the original 1915 survey.**

2) On the prayer that the National Assembly inquires an equitable and transparent compensation for any compulsory acquisition of land that is carried out through a meaningful public participation and legal due process;

   i. **the Committee notes that there was no compulsorily acquired land and hence no compensation due;**
   ii. **the Committee recommends that the Ministry of Lands investigates the circumstances under which residents claim they hold valid title deeds issued by the state, which include the disputed 20 metres, within ninety (90) days of tabling of this report, and any irregularities regularized and administrative action taken on those responsible.**

3) On the prayer for the recognition and protection of the valid certificates of title holders particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337**; the Committee reiterates its recommendation in prayer nos. (1) and (2) above.**

Signed: _____ **Date:** 30/09/2026

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

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026 DAY. Wednesday
TABLED BY: HON. Jane Sitienei MP Vice-Chairperson
CLERK-AT THE-TABLE: Lomare

ANNEXURES

Annex 1: Report Adoption List

Annex 2: Public Petition No.18 of 2025 regarding road reserve boundaries and protection of ancestral land by residents of Gitei village

Annex 3: Minutes of proceedings

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the P/No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County.

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

DATE: 3/9/2026

	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,CBS, 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.	

Hon. Speaker,
You may approve.
Dispose
7/10

Approved
SBOSS D/SNA
8/10/2025

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (FOURTH SESSION)

PUBLIC PETITION

(No. 18 of 2025)

PUBLIC PETITION REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND BY THE RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY

I, the **UNDERSIGNED**, on behalf of the residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County;

Draw the attention of the National Assembly to the following -

1. **THAT,** Gitei Village is an ancestral settlement, home to more than 10,000 residents who have developed their land, carried out farming, and established permanent and semi-permanent structures, guided by an understanding that the Kiambu–Ruiru road reserve measures 40 metres;

2. **THAT,** the Kenya National Highways Authority (KeNHA) has recently placed new beacons along the road between KM 12+800 (Kiu River) and KM 14+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;

3. **THAT,** the Survey Plan FR No. 9/69 (authenticated in 1914) forms the basis of KeNHA's decision, despite being a colonial-era plan drawn prior to Kenya's independence, which provides for inconsistent corridor widths along the same road;

4. **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;

5. **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;

07 OCT 2025

6. THAT, the then Ministry of Public Works, by a letter dated 19th June 2004 in response to an inquiry by Mr. D.K. Muchaba, a resident of Gitei Village, confirmed that the road reserve at the affected section is 40 metres wide;

7. **THAT,** the Kiu River, which serves as the main water source for Gitei Village, is designated as riparian land by the Water Resources Management Authority (WARMA) at 30 metres from the river edge, and combined with KeNHA's 60-metre claim, this renders some parcels of land such as Ndumberi/Riabai 14, 125, and 337 entirely consumed, leaving landowners landless despite holding valid titles;

8. THAT, residents continue to pay land rates on such parcels without compensation or exemption, even where their land is designated as riparian or compulsorily acquired;

9. **THAT,** despite various engagements with KeNHA, WARMA, and Kiambu Water and Sewerage Company through letters, site visits, and consultations, residents have not received any substantive response, compensation, or relief;

10.THAT, the matters raised in this petition are not pending before any court of law, constitutional or legal body.

THEREFORE, your humble petitioners 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 gazettement 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 caried 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.

PUBLIC PETITION REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND BY THE RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY

And your **PETITIONERS** will ever pray.

PRESENTED BY:

Machua

THE HON. MACHUA WAITHAKA, MP
MEMBER FOR KIAMBU TOWN CONSTITUENCY

DATE: 07/10/2025

MINUTES OF THE 54TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 3RD SEPTEMBER, 2026 IN MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 9:00 A.M.

PRESENT

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

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Sloya Clement Logova, M.P.
4. Hon. Patrick Ntwiga Munene, CBS, M.P.
5. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

1.	Mr. Oscar Namulanda	-	Deputy Director/HOD
2.	Mr. Victor Weke	-	Principal Clerk Assistant II
3.	Ms. Miriam Modo	-	Clerk Assistant I
4.	Mr. Bernard Toroitich	-	Clerk Assistant III
5.	Ms. Kafuyai Wamae	-	Clerk Assistant III
6.	Mr. Clinton Sindiga	-	Legal Counsel II
7.	Ms. Nancy Akinyi	-	Research Officer III
8.	Mr. Valerian Pascal	-	Hansard Officer II
9.	Mr. Collins Mahamba	-	Audio Officer
10.	Ms. Fridah Ngari	-	Media Relation Officer
11.	Mr. Paul Shani	-	Serjeant-at-Arms
12.	Mr. Mahlon Kiprono	-	Intern

MIN./PPC/2026/277: PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and opening prayers were led by the Hon. Maisori Marwa Kitayama, M.P.

MIN./PPC/2026/278: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Suzanne Ndunge Kiamba, M.P, and seconded by, Hon. Edith Vethi Nyenze, 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. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters by Mr. Patrick and Mr. Robert Wanjau;**
   - (ii) **P/No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County; and**
   - (iii) **P/No. 04 of 2024 regarding the proliferation of LGBTQ persons in Kenya by Hon. Mohamed Ali, MP.**
   - (iv) **P/No. 04 of 2025 regarding unfair labour practices by Sukari Industries Limited in Homa Bay County by Hon. Martins Owino, MP**
6. Any Other Business
7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/279: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/280: CONSIDERATION AND ADOPTION OF REPORTS ON VARIOUS PUBLIC PETITIONS

a) Public Petition No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters by Mr. Patrick and Mr. Robert Wanjau.

The adoption of the Draft Report was deferred pending site visit Ontulili, the Committee resolved to conduct site visit to have an engagement with Ontulili Mount Kenya Forest Squatters.

b) Public Petition No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

i) On the prayer that the National Assembly inquires into the immediate review and revocation of reliance on Survey Plan FR No.9/69(1941) and adoption of current statutes, gazette notices and the recommendation for gazettement 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; **the Committee declines to grant this prayer as the road reserve is legally 60 metres wide, as per the Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9, and as aligned with the original 1915 survey.**

ii) On the prayer that the National Assembly inquires an equitable and transparent compensation for any compulsory acquisition of land that is carried out through a meaningful public participation and legal due process; **the Committee notes that from the foregoing, there was no compulsorily acquired land and hence no compensation for land due. The Committee however recommends that the**

Ministry of Lands through a re-survey, investigates the circumstances under which residents claim they hold valid title deeds issued by the state, which include the disputed 20 metres, within ninety (90) days of tabling of this report. Should the title deeds be found to have been issued by the state, regardless of the irregularity, then any development put up by the residents on the 20 metres disputed portion be duly compensated, and title deeds subsequently regularized to exclude the 20 metres.

iii) On the prayer for the recognition and protection of the valid certificates of title holders particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337; **the Committee reiterates its recommendation in prayer no. (ii) above.**

iv) On the prayer that the Public Petitions Committee ensures that any land irregularly taken from the community is restored, and that unlawful boundary markers are removed; **the Committee recommends that any land outside the gazetted acreage, resulting from the re-survey, be reverted to the community.**

c) Public Petition No. 04 of 2024 regarding the proliferation of LGBTQ persons in Kenya by Hon. Mohamed Ali, MP.

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Janet Jepkemboi Sitienei, CBS, M.P, and seconded by the Hon. (Eng.) Bernard Nebart Muriuki, M.P as follows

i) On the prayer that that the Committee intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165 that prohibit homosexuality in the Country; **the Committee grant the prayer as the cited provisions the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165;**

ii) On the prayer that the committee investigates into the possibility of approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards to LGBTQ in the Country; **the Committee notes that Human Sexuality Education within the Competency Based Curriculum is structured not merely as sex education, but as a broader developmental framework that supports learners in understanding, accepting and appreciating their sexual identity. It promotes values such as abstinence, self-respect and protection from risky behaviour, and not LGBTQ content.**

The Committee recommends that the Ministry of Education through the Kenya Institute of Curriculum Development ensures all educational curricula uphold Article 45(2) of the Constitution.

iii) On the prayer that the committee recommends consideration and fast-tracking of the Family Protection Bill, 2023 into law; **the Committee notes that this was the preserve of the House Business Committee and the sponsor of the legislative proposal.**

d) Public Petition No. 04 of 2025 regarding unfair labour practices by Sukari Industries Limited in Homa Bay County by Hon. Martins Owino, MP.

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Janet Jepkemboi Sitienei, CBS, M.P, and seconded by the Hon. Maisori Marwa Kitayama, M.P as follows –

Pursuant to the provisions of Standing Order 227, the Committee recommends that –

i) On the prayer that the National Assembly inquires into the alleged discrimination, unfavourable working conditions and unfair treatment of both outsourced and directly employed workers, whether local or foreign; **the Committee reprimands the Cabinet Secretary, Ministry of Labour and Social Protection and recommends that the ministry immediately issues notice to Sukari Industries Limited to comply with Article 41 of the Constitution and all prevailing labour laws, failure to which the factory be shut down for non-compliance. From the foregoing, a report be submitted to the National Assembly within ninety (90) days of tabling of this Report.**

ii) On the prayer that the National Assembly recommends that Sukari Industries Limited allows its workers, including those hired through outsourcing firms, to join or form labour unions to safeguard their rights, particularly their right to fair remuneration and reasonable working conditions, as guaranteed under Article 41 of the Constitution; **the Committee reiterates its recommendation in prayer (i) above.**

MIN./PPC/2026/281: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m.

Sign: ..... for ..... **Date** 30/09/2026

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

MINUTES OF THE 37TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, 2ND JUNE, 2026 IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER AT 11:40 A.M.

PRESENT

1. Hon. Eric Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Patrick Ntwiga Munene, CBS, M.P.

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Paul Biego Kibichiy, M.P.
3. Hon. (Eng.) Bernard Nerbert Muriuki, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P.
5. Hon. Peter Irungu Kihungi, M.P.
6. Hon. Peter Mbogho Shake, M.P.
7. Hon. Sloya Clement Logova, M.P.
8. Hon. John Bwire Okano, M.P.

NATIONAL ASSEMBLY

1. Hon. Machua Waithaka, M.P. - Member of Parliament, Kiambu Constituency

IN-ATTENDANCE

SECRETARIAT

1. Mr. Victor Weke - Principal Clerk Assistant II
2. Mr. Bernard Toroitich - Clerk Assistant III
3. Ms. Kafuyai Wamae - Clerk Assistant III
4. Mr. Clinton Sindiga - Legal Counsel II
5. Ms. Nancy Akinyi - Research Officer III
6. Ms.Fridah Ngari - Media Relations Officer
7. Mr. Collins Mahamba - Audio Officer
8. Ms. Felistas Muiya - Public Communications Officer
9. Mr. Rose Njuki - Serjeant-at-Arms

THE NATIONAL LAND COMMISSION

1. Dr. Abdillahi Saggat - Chairperson
2. Ms. Kabale Tache - CEO
3. Mr. Brian Ikol - Director, Legal Affairs
4. Mr. Sospeter Ohanya - Deputy Director, Survey
5. Mr.Edmond Gichuru - Head, Historical Land Injustice
6. Mr. Jaldesa Hussein - Communication Officer

7. Mr. Rodgers Chumba - Personal Assistant, Chairperson
8. Mr. Kariuki Wambia - Officer

MIN./PPC/2026/191: PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am and opening prayers were led by the Hon. Patrick Ntwiga Munene, MP.

MIN./PPC/2026/192: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Paul Biego Kibichiy, M.P and seconded by, Hon. Edith Vethi Nyenze, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Meeting with the Chief Executive Officer, National Land Commission on the following petitions -**
   i. **Public Petitions No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters;**
   ii. **Public petition No. 5 of 2024 regarding illegal acquisition of parcels of land known as Kapkaron Farm LR.No.5423 and LR. No.6053 in Nandi Hills Sub County; and**
   iii. **Public Petition No. 18 of 2025 regarding Road Reserve Boundaries and Protection of Ancestral land by residents of Gitei Village, Kiambu County.**
1. Any Other Business
2. Adjournment and Date of the Next Meeting

MIN./PPC/2026/193: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/194: MEETING WITH THE CHIEF EXECUTIVE OFFICER, THE NATIONAL LAND COMMISSION ON VATIOUS PETITIONS

The Chief Executive Officer, National Land Commission appeared before the Committee and submitted as follows:

a) **Public Petitions No. 59 of 2023 regarding the Settlement of Ontulili Mount Kenya Forest Squatters.**

The Commission stated that its 2022 determination did not constitute a departure from its earlier position but was instead the direct result of a judicial directive requiring a fresh hearing, expanded participation, and a reconsideration of all issues, including the rights of third parties and the practical feasibility of reverting the originally excised parcels.

It explained that it had fully complied with the instructions of the Environment and Land Court and had discharged its statutory mandate by delivering the 2022 decision within the timelines set by the Court.

The Commission noted that the Angaine Family had contended that the two parcels of land were lawfully allocated to them by the President. However, it found that the allocation process had been irregular because the President lacked the legal authority under Section 3 of the repealed Government Lands Act to allocate the parcels in question.

The Commission further stated that it had established that the allocation resulted in the displacement and discrimination of the landless claimants and therefore constituted a historical land injustice arising from the administrative practices prevailing at the time.

It explained that its decision to allocate 25 per cent of the land to the Angaine Family was informed by its finding that the late Hon. Jackson Angaine had irregularly allocated the land to himself through a process tainted by conflict of interest and undertaken at the expense of deserving landless Kenyans, who were the claimants in the matter.

The Commission further stated that it had found that substantial portions of the land had subsequently been acquired by third parties, including multinational companies, which had made significant investments, created employment opportunities for thousands of Kenyans, contributed tax revenue to the Government, and generated foreign exchange earnings for the country.

It added that it had therefore sought to balance the need to redress the historical land injustice suffered by the claimants with the need to safeguard legitimate third-party investments and protect the broader public interest.

Committee Observations

The Committee observed as follows: -

THAT-

a) The dispute had been formally investigated by the National Land Commission under its constitutional mandate to address historical land injustices.

b) Following the rehearing, the National Land Commission had issued a fresh determination on 5 July 2022 and had not recommended the revocation, cancellation, or reversion of land held by the family of the late Hon. J.H. Angaine.

c) The National Land Commission's decision requiring the family to surrender 25 per cent of the land for the resettlement of displaced squatters constituted a balanced outcome that sought to reconcile the interests of the family, the affected local communities, multinational companies, and other third parties involved

d) The National Land Commission had shifted the focus of redress from the recovery of the disputed land to the identification, profiling, and resettlement of genuine squatters through established Government settlement mechanisms.

e) Notwithstanding the National Land Commission's determination, concerns regarding the settlement of genuine squatters remained unresolved and required action by the relevant Government agencies.

Committee Resolutions

The Committee was satisfied with the submissions of the National Land Commission and observed that the Commission had sought to strike an appropriate balance between providing redress for the historical land injustice suffered by the claimants and safeguarding legitimate third-party investments, while protecting the broader public interest.

The Committee to write a report having finalized stakeholder meeting.

b) Public Petition No. 18 of 2025 on the Road Reserve Boundaries and Protection of Ancestral land by residents of Gitei Village, Kiambu County.

The Commission stated that, as a matter of law, a gazetted road reserve was unavailable for allocation, excision, or private use. It explained that, while Gazette Notice No. 3632 served as a general advisory on the standard parameters applicable to Class C roads, it could not lawfully be relied upon to excise any portion of an already established public road.

The Commission further observed that any encroachment upon or excision of a planned, reserved, and surveyed road constituted an unlawful overlap on the road reserve and that any resulting private claims were not only irregular but also illegal.

The Commission noted that, according to official Government survey records, the statutory width of the C115 road reserve remained 60 metres. It therefore found that the purported reduction of the road reserve from 60 metres to 40 metres on the bas.
is of Gazette Notice No. 3632 was legally untenable.

Consequently, the Commission recommended that the existing registry records be amended and realigned to conform to the original road reserve width and boundaries as established and authenticated in the 1915 survey.

Committee Observations

The Committee observed as follows: -

THAT-

1. The Committee observed that there was a need to standardize and regularize land adjoining highways throughout the country in order to safeguard public spaces for posterity.
2. The Committee further observed that laws could not be applied retrospectively and noted that any excision of land from the road reserve would be unlawful, given that the road had already been surveyed in 1915 and gazetted as a road reserve with a width of 60 metres.
3. The Committee also observed that, as a matter of law, a gazetted road reserve was unavailable for allocation, excision, or private use.

Committee Resolution

The Committee resolved that a joint stakeholder meeting be convened with the National Land Commission, the Ministry of Roads, and the Kenya National Highways Authority to establish a way forward on the compensation of residents currently occupying road reserve areas.

c) **Public Petition No. 5 of 2024 regarding illegal acquisition of parcels of land known as Kapkaron Farm LR. No. 5423 and LR. No. 6053 in Nandi Hills Sub County.**

The Commission's position is that Historical Land Injustice Claim No. NLC/HLI/3745/2021 remains properly before the Commission and has not yet been concluded.

The Commission will proceed with the hearing and determination of the matter in accordance with its constitutional mandate, the National Land Commission Act, and the principles of fair administrative process, upon completion of the procedural steps arising from the court proceedings.

Committee Observations

The Committee observed as follows: -

THAT-

The matter was *sub-judice* and noted that it was before the National Land Commission, a constitutional commission mandated to handle claims relating to historical land injustices.

Committee Resolution

The Committee resolved to stay the petition on the grounds that the matter was *sub-judice.*

MIN./PPC/2026/195: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m.

Sign: ..... **Date** .....

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

MINUTES OF THE 12TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, 10TH MARCH, 2026 IN COMMITTEE ROOM ON THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS 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. Edith Vethi Nyenze, M.P.
5. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
6. Hon. Peter Irungu Kihungi, M.P.
7. Hon. Paul Biego Kibichiy, M.P

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Patrick Ntwiga Munene, CBS, M.P.
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Maisori Marwa Kitayama, M.P.
8. Hon. Sloya Clement Logova, 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. Mr. Arkan Mumin - Research Officer III
7. Mr. Nancy Akinyi - Research Officer III
8. Mr. Collins Mahamba - Audio Officer
9. Mr. Calvin Karungo - Media Relations Officer III
10. Mr. Valerian Pascal - Hansard Officer
11. Mr.Paul Shana - Serjeant at arms

MIN./PPC/2026/060: PRELIMINARIES

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

He informed the meeting that the delay in commencing the meeting was due to the scheduled United Democratic Alliance(UDA)- Orange Democratic Movement(ODM) joint Parliamentary Group meeting that had the attendance of majority of the Committee Members.

MIN./PPC/2026/061: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. (Eng.) Bernard Nebart Muriuki, M.P and seconded by, Hon. Paul Biego Kibichiy, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising;
5. **Meeting with the Principal Secretary, Ministry of Lands, Public Works, Housing & Urban Development; Chief Executive Officer, National Land Commission; and Director-General, Kenya National Highways Authority, regarding the following**:-
   i. Public Petition by landowners affected by the construction of the Embu Ring/Connector Road project in Embu County;
   ii. Public Petition by Mr. Ibrahim Nthitu Makwattah, regarding compensation of compulsory acquired land and properties along Kibwezi - Kitui Road;
   iii. Public Petition by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;
   iv. Public Petition by Hon. (Prof) Phyllis Bartoo, MP, regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;
   v. Public Petition 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. Public Petition by Hon. Sarah Korere, MP, regarding revocation of the gazettement of Mukogodo forest reserve as a public forest;
   vii. Public Petition by Hon. Rahim Dawood, MP, regarding compensation and Land allocation to Mau Mau War Veterans of Meru County.
6. Any Other Business
7. Adjournment and date for the next Sitting

MIN./PPC/2026/062: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/063: MEETING WITH THE PRINCIPAL SECRETARY, MINISTRY OF LANDS, PUBLIC WORKS, HOUSING& URBAN DEVELOPMENT, CHIEF EXECUTIVE OFFICER, NATIONAL LAND COMMISSION AND THE DIRECTOR GENERAL, KENYA NATIONAL HIGHWAYS AUTHORITY.

The Chairperson informed the meeting that the Principal Secretary, Ministry of Lands, the Chief Executive Officer, National Land Commission, and the Director General, Kenya National Highways Authority had each submitted their written responses on the

petitions. The Chairperson further stated that, due to other exigencies, they were unable to attend the meeting.

Committee Resolution

The Committee resolved that the written submissions by the three entities sufficed and would be considered and adopted into the reports, which were scheduled to be reviewed the following week during the report writing retreat to be held in Mombasa County from 15th to 22nd March, 2026.

MIN./PPC/2026/064: ANY OTHER BUSINESS

Regarding the public petition by landowners affected by the construction of the Embu Ring/Connector Road project in Embu County, the meeting was informed that the matter fell under the mandate of the Kenya Rural Roads Authority and not the Kenya National Highways Authority. The meeting therefore resolved that KeRRA be invited to provide information on the petition.

MIN./PPC/2026/065: ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 3:00 p.m. The next meeting will be held on Wednesday, 11th March, 2026 at the same venue.

Sign:..... **Date** 01/04/2026

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

MINUTES OF THE 3RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 17TH FEBRUARY, 2026 IN COMMITTEE ROOM ON THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:20 AM.

PRESENT

1. Hon. Eric Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Patrick Ntwiga Munene, CBS, M.P.
3. Hon. Edith Vethi Nyenze, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
6. Hon. Peter Irungu Kihungi, M.P.
7. Hon. Maisori Marwa Kitayama, M.P.

APOLOGIES

1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P
5. Hon. Peter Mbogho Shake, M.P
6. Hon. John Bwire Okano, M.P.
7. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

1.	Ms. Miriam Modo	-	Clerk Assistant I
2.	Mr. Bernard Toroitich	-	Clerk Assistant III
3.	Ms. Kafuyai Wamae	-	Clerk Assistant III
4.	Mr. Clinton Sindiga	-	Legal Counsel II
5.	Mr. Arkan Mumin	-	Research Officer III
6.	Mr. Collins Mahamba	-	Audio Officer III
7.	Mr. Pascal Valerian	-	Hansard Officer III
8.	Mr. Paul Shana	-	Serjeant-at-Arms
9.	Ms. Felistus Muiya	-	Public Communication Officer

PETITIONER

1. Hon. John Machua Waithaka, M.P – Member for Kiambu Constituency

REPRESENTATIVES OF RESIDENTS OF GITEI VILLAGE

1. Mr. John Kamini
2. Mr. Samuel Karanja
3. Mr. Samuel Mwaura

MIN./PPC/2026/013: PRELIMINARIES

The Chairperson called the meeting to order at 10:20 am, followed by a word of Prayer.

MIN./PPC/2026/014: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Beatrice Kadeveresia Elachi, M.P and seconded by Hon. Edith Vethi Nyenze, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of minutes
4. **Meeting with the Petitioners regarding Public Petition on the variation of the boundaries of a road reserve in Kiambu County and the protection of ancestral land by Hon. John Machua Waithaka, M.P.**
5. Any Other Business
6. Adjournment

MIN./PPC/2026/015: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/016: MEETING WITH THE PETITIONERS ON PUBLIC PETITION BY HON. JOHN MACHUA WAITHAKA, M.P, REGARDING VARIATION OF THE BOUNDARIES OF A ROAD RESERVE IN KIAMBU COUNTY AND PROTECTION OF ANCESTRAL LAND

The Hon. John Machua, M.P, appeared before the Committee alongside three (3) members of Gitei Village and made submissions on the Petition as follows—

1. Gitei village is an ancestral settlement, home to more than 10,000 residents who have developed their land, carried out farming and established permanent and semi-permanent structures, guided by an understanding that the Kiambu-Ruiru road reserve measures 40 metres.

2. The Kenya National Highways Authority (KeNHA) has recently placed new beacons along the road between KM 12+800(Kiu River) and KM 14+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.

3. The Survey Plan FR No.9/69(authenticated in 1914) forms the basis of KeNHA's decisions, despite being a colonial era plan drawn prior to Kenya's independence which provides for inconsistent corridor widths along the same road.

4. 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 to the corridor to 60 metres would result in exhumations, demolitions, displacement and irreparable intergenerational losses.

5. Kenya Gazette Vol. CV No.59 of 6th June, 2023 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.

6. The then Ministry of Public Works by a letter dated 19th June, 2024 in response to an inquiry by Mr. D. K Muchaba, a resident of Gitei village confirmed that the road reserve at the affected section is 40 metres wide.

7. The Kiu River which serves as the main water source for Gitei Village is designated as a riparian land by the Water Resources Management Authority (WARMA) at 30 metres from the river edge and combined with KeNHA's 60 metre claim, this renders some parcels of land such as Ndumberi/Riabai 14, 125 and 337 entirely consumed, leaving land owners landless despite holding valid tittles.

8. Residents continue to pay land rates on such parcels without compensation or exemption even when their land is designated as riparian or compulsory acquired.

9. Despite various engagements with KeNHA, WARMA and Kiambu Water and Sewerage Company through letters, site visits and consultations, residents have not received any substantive response, compensation or relief.

Petitioners Prayers

The Petitioners prayed that the 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 gazettement 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 certificates of tittle holders particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337;

(iii) Ensure that equitable and transparent compensation for any compulsory acquisition of land is carried out through a meaningful public participation and legal due process; and

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

Submissions by Mr. John Kamini

Mr. John Kamini submitted as follows -

1. Reliance on Survey Plan FR No. 9/69 (1914)

While surveyors have historically relied on survey maps prepared in 1968, the Kenya National Highways Authority (KeNHA) is currently relying on Survey Plan FR No. 9/69 of 1914. He argued that the land demarcation undertaken in 1958 resulted in the current boundary configuration of the region, and therefore reliance on a 1914 survey plan is erroneous and inconsistent with subsequent demarcations.

2. Previous Acquisition of Riparian Land

He further submitted that in 2019, the Kiambu Water and Sewerage Company acquired parcels of riparian land measuring approximately 30 metres without compensating the affected landowners. He contended that any additional acquisition by KeNHA would render some villagers landless, despite their possession of valid title deeds.

3. Alleged Encroachment and Impact on Developments

Mr. Kamini stated that KeNHA intends to encroach on a stretch of approximately two (2) kilometres, which would affect properties that have already received development approvals from the County Government. He expressed concern that public utilities and government projects, including electricity infrastructure and social amenities, would also be adversely affected. He further submitted that families risk being rendered homeless and effectively disinherited, depending on the residual land remaining after the proposed expansion by KeNHA.

4. Public Participation

On the issue of public participation, the petitioners acknowledged that engagements had been held between themselves and KeNHA. During the most recent engagement, KeNHA reportedly indicated that it was open to discussions with residents on whether to retain the existing 40-metre road reserve corridor or, subject to residents' goodwill, to allow erection of beacons at 60 metres.

5. Variations of the Road Reserve and Compensation Dialogue

The petitioners submitted that there have been no substantive discussions regarding compensation. They further contended that the road reserve between Kiambu and Ruiru is not uniform. According to the petitioners, from Ruiru, KeNHA beacons are placed at 40 metres, and it is only at the Two Rivers area where beacons have been positioned at 60 metres. The residents are therefore protesting the proposed placement of beacons at 60 metres within their locality while other sections remain at 40 metres.

Reference was made to the *Kenya Gazette*, Vol. CV No. 59 of 6th June 2023, which classified the Kiambu–Ruiru Road as C63 with a gazetted road reserve corridor of 40 metres. The petitioners submitted that this classification has consistently guided contractors and residents since independence.

It was further submitted that a beacon has recently been erected on Land Parcel No. 25, prompting residents to petition Parliament.

6. Cause for the Variation and Impact on Adjacent Villages

The petitioners submitted that the ongoing demarcation exercise is linked to planning for the Kiambu Road expansion. They observed that land situated opposite the affected village is largely undeveloped and under coffee plantation. They proposed that KeNHA consider negotiating with the owner of the vacant farm instead of displacing residents from what they described as ancestral or historically occupied land.

Committee's Observations

The Committee observed as follows –

1. **Inconsistency in Survey Plans:** There appears to be an inconsistency between the survey plans relied upon by the residents and those relied upon by the Kenya National Highways Authority (KeNHA). Whereas KeNHA's position is anchored on Survey Plan FR No. 9/69 (authenticated in 1914), the *Kenya Gazette*, Vol. CV No. 59 of 6th June 2023, classified the Kiambu-Ruiru Road as C63 with a gazetted road reserve corridor of 40 metres. This discrepancy has contributed to the current dispute regarding the applicable road reserve width.

2. **Absence of Compensation Discussions:** There have been no substantive discussions between the residents and KeNHA regarding compensation. The residents indicated that they have not received any formal compensation offer from KeNHA for consideration, despite the proposed placement of beacons that may affect their land. Similarly, no negotiated settlement framework appears to have been initiated.

3. **Nature of the Petition:** The Committee observed that the petition arises from the intention by KeNHA to erect beacons on parcels of land adjacent to the road reserve. The petitioners are primarily seeking to prevent the anticipated impact of variations in the road reserve width on their properties, rather than pursuing redress for an already completed acquisition.

4. **Alternative Land Consideration:** The Committee noted that there exists undeveloped land opposite the affected village, currently under coffee plantation. It was observed that KeNHA may consider engaging the proprietor of the said land as a possible alternative in order to minimize displacement and adverse impact on settled residents.

Committee's Resolution
The Committee resolved -

1. To engage;
    a) The Ministry of Roads and Transport;
    b) The Kenya National Highways Authority; and
    c) National Land Commission (NLC).

MIN./PPC/2026/017: ADJOURNMENT
There being no other business, the meeting was adjourned at 11.20 a.m. The next meeting shall be convened on notice.

Sign: ..... **Date** 01/04/2026
HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

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.

Kenya National Highways Authority
Quality Highways, Better Connections

Barabara Plaza, Block A & C, Jomo Kenyatta International Airport (JKIA), Off Airport South Road, along Mazao Road,
P.O Box 49712 - 00100 Nairobi, **Tel** 020 - 4954000 / 0700 423 606 **Email** dg@kenha.co.ke / Website www.kenha.co.ke

PUBLIC PETITION NO. 35 OF 2023 REGARDING COMPENSATION OF COMPULSORY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI – KITUI ROAD

In relation to the Public Petition, our comments are as follows:

1. The upgrading of the **Kibwezi – Kitui – Migwani – Mbondoni (A2/B64)** commenced in August, 2017. Its construction for its amenities (*lorry park **in this case***) affected **10 No. privately owned land**, necessitating land acquisition.

2. The 10 No. parcels (*affected by the lorry park*) Kikumbulyu/Mikuyuni/1302, 1303, 1304, 1305, 1307, 295, 132, 133, 1847 and 1202 were earmarked for acquisition through the Gazette Notice No(s). 197 (*Intention to Acquire Land*) and 198 (*Inquiry*) of 14th January, 2022 for the construction of the same road (*lorry park*). The number of Project-affected persons was **30 No.** for land and developments (refer to the attached schedule of parcels highlighting the area acquired, beneficiaries and compensation status).

3. Due to the urgent need for possession of site by the contractor, the owners of the affected parcels were issued Notices of Taking Possession (*Early Entry*) by National Land Commission (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. Refer to the annexed Notices of Taking Possession dated 2nd February 2022.

4. Kenya National Highways 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. We intend to settle the outstanding compensation once funds are available.

Kenya National Highways Authority
Quality Highways, Better Connections

Barabara Plaza, Block A & C, Jomo Kenyatta International Airport (JKIA), Off Airport South Road, along Mazao Road,
P.O Box 49712 - 00100 Nairobi, **Tel** 020 - 4954000 / 0700 423 606 **Email** dg@kenha.co.ke / Website www.kenha.co.ke

PUBLIC PETITION NO. 35 OF 2023 REGARDING COMPENSATION OF COMPULSORY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI – KITUI ROAD

SCHEDULE OF PROJECT AFFECTED PERSONS

S/No.	Title No.	Registered Owner/Claimant/Payee	Area 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

S/No.	Title No.	Registered Owner/Claimant/Payee	Area Acquired (Ha.)	Award (Ksh)	Payment Status
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

FROM:
Gitei Village Residents
Riabai Ward
Kirigiti Location
KIAMBU COUNTY

To
The Clerk of the National Assembly
P.O. Box 41842
Main Parliament Buildings
NAIROBI - KENYA

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No. 737
RECEIVED

Dear Sir

RE: FORWARDING OF PETITION REGARDING KIAMBU-TATU-RUIRU ROAD RESERVE

We, the undersigned petitioners and concerned residents of the Gitei Village, hereby forward the attached petition in accordance with Article 37 and 119(1) of the Constitution of Kenya 2010 Public Petition to Parliament Procedure Act 2012 and the Standing Orders No. 223 of the National Assembly.

The petitioners raised critical concerns regarding the extent of the road reserve for Kiambu – Tatu -Ruiru road. These petitioners are calling upon the National Assembly to intervene in order to maintain fair grounds in respect for the rights and livelihoods of communities living along the road reserve.

Please find;

(a) A copy of the signed petition.
(b) A list of petitioners.
(c) Supporting documents and evidence where applicable.

We kindly requests that this petition be tabled before the House in consideration and appropriate action

Thank you for your attention to this matter. We remain available for any further clarification or engagement as may be required.

PUBLIC PETITION TO THE NATIONAL ASSEMBLY PURSUANT TO STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

We, the undersigned, draw the attention of the National Assembly to the above subject matter.

We acknowledge that we are citizens of Kenya and residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County., on behalf of and with the consent of all Gitei Village residents.

The Residents draws the attention of the house to the following.

1. The Survey Plan FR No. 9/69 (Authenticated in 1914).
2. The Kenya land demarcation of 1958.
3. The Kenya Gazette Notice Vol CV-No 59 dated 6th June, 2003.

c) The Ministry of Public Works reply Letter to Mr D.K. Muchaba, a residents of Gitei .Village dated 19th January, 2004.

d) The Riparian Land Act.

Gitei Village has ancestral lands that have been home to the local community for generations, the community has relied on sustainable practices to preserve the natural environment and ensure the well-being of future generations. However, the resent action by Kenya National Highway Authorities (KENHA) to elect new road beacons on the road, more specifically between km 12+800 (Kiu River) and KM 14+500 (Kirigiti), has undermined the rights of the Gitei Residents, leading to the following concerns;

a) The Survey Plan FR No. 9/69 (Authenticated in 1914)

THAT despite the promulgation of the new constitutional dispensation in 2010, KENHA has continued to act guided by maps and plans drawn way before Kenya got it independence, and which were drawn by the colonialists in 1914. In addition, the said 1914 road plans indicates that the road reserve is not uniform in that km 9+500 (tatu city) to km 12+800 (Kiu River) having **40 metres corridor extent**, while our affected area **km12+800 (Kiu River) to km 14+500 (Kirigiti) has a 60m corridor extent**. This latter section is where the Gitei Village is located on the right-hand side of the road (coming from Ruiru town). All along, the residents have stayed and developed the area with clear minds knowing that the road reserve is 40m. The expansion of the road reserve to 60m boundary is allegedly based on **1914** road plans drawn during the colonial era map that

predates Kenya's independence and disregards subsequent legal developments and planning laws.

b) The Kenya land demarcation of 1958:

As stated herein, Gitei village, which holds approximately 10,000 people is primarily inhabited by small scale farmers and low-income earners. The area has catalyzed rapid transformation from a rural set-up to a budding commercial centre. Investors have continually developed the area having done due diligence on the pieces of land which stated that the road reserve ever since has been 40m. Additionally, residents have buried their Kins and loved ones on the said pieces of land. Extending the road reserve based on the 1914 map plans would bring severe damage to residents and the investors which will includes

(i) Exhuming all the buried bodies (which some were buried like 50 years ago),

(ii) Demolishing all the permanent and semi-permanent developments causing loss of business and other livelihood.

(iii) The loss accrued from the extension of the road is multi-generational, causing potential family disputes and constant fights. This is because as per the African customs, land is ancestral and that it is passed from one generation to another. Parents have continually subdivided these portions of land to their children having keeping in mind the 40m road reserve.

c) The Kenya Gazette Notice Vol CV-No 59 dated 6th June, 2003

Kiambu Ruiru Road has seen continuous upgrading from class D to C63.

Kenya Gazette Notice Vol CV No 59 dated 6th June 2003 gives class C63 roads a road reserve corridor of 40m. This has always been the case with the Kiambu Ruiru road. The contractors have always elected road beacons at 40m and this has given the residents enough strength to do developments without encroaching past that boundary. Since independence, there has never previously been any notification or clear marking of road reserves and Boundaries by KENHA at the affected area that showed the road reserve at 60m.

PUBLIC PETITION TO THE NATIONAL ASSEMBLY PURSUANT TO STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

THAT residents have made various efforts to engage KENHA, WARMA and KIWASCO for clarification and redress, including community inquiries, site visits and dialogue with local officials but have failed to yield any substantive action or compensation.

THAT the subject matter of this petition is not pending before any court of law or other constitutional or legal bodies.

Therefore, your humble petitioners pray;

1. That this petition be dealt with immediately in view of the urgency and gravity of the issues raised herein.
2. That the National Assembly, upon receipt of this petition, consider revoking the Survey Plan FR No. 9/69 which was later authenticated in 1914 during the colonial era; and use current regal statues and community consultations rather than outdated mapping.
3. Gazetting the section affected area **km12+800 (Kiu River) to km 14+500 (Kirigiti) from a 60m corridor extent to 40m,** and consequently making the road reserve uniform for fair compensation for affected land owners.
4. Ensure recognitions of existing certificate of titles especially where riparian land and road reserve now overlap entirely and making the owner of title deeds No Ndumberi /Riabai 14, Ndumberi Riabai 125 and Ndumberi Riabai 337. **NOTE:** These portions of land are entirely submerged by the Riparian Land and the 60m road reserved, thus making the owners landless.
5. Protects the rights of ancestral land holders, and ensures that future infrastructural expansion respects community rights and equitable compensation.
6. Ensures that any deductions of land for public use be accompanied by transparent public participation and legal due process.
7. Address continued levying of land rates be only done on the portions of land used, excluding the riparian area.

We belief that with the support of the National Assembly, we the residents of Gitei Village will get a fair protection of our lands and continually strive to ensure that the residents are

PUBLIC PETITION TO THE NATIONAL ASSEMBLY PURSUANT TO STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

able to develop the country in harmony while still maintaining and protecting the environment.

Dated this.....day of..... 2025

NO	Name of Petitioners	ID Numbers	Address	Signature
1	ROBERT KAMAU MURU	08944880	314 KIAMBU	
2	PAUL NJAU KIHORI	9267158	Box 176 Kiambu	
3	MUNUHI WAWERU IRUNGU	21824074	00900-1339	
4	WASHINGTON IRUNGU WAWERU	055 2924	00900 -1339	
5	TERESIA N. NGUGI	1191932	00900 -1339	
6	Michael M. Ngugi	4f319199	8 00900	
7	JOHN			
8	[illegible] Njuguna	33163[illegible]	[illegible]	
9	Stephen Nyaga Mbugua	5197040	314 KIAMBU	
10	John Mutugi Mbugua	11191133	314 Kiambu	
11	Jane Njeri	11349583	314 Kiambu	
12	John Njenga	3104	314 Kiambu	13/08
13	Hannah Nyori		1787 Kbu	
14	Rosemary Mjuguna	14513216	1787 KBU	
15	ANNE WAIRIMU	0355547	1787 KBU	
16	Raurasea Wambui	889291	1339 KBU	
17	Susan Iraya	30767147	314 Kiambu	

PUBLIC PETITION TO THE NATIONAL ASSEMBLY PURSUANT TO STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

18	Jane Wambui	24945[illegible]		
19	Lucy Njoki Kimani	22652[illegible]	16 KIAMBU	
20	Serah Njeri	38072535	16 KIAMBU	
21	Winnie Njeri	11029418		
22	Teresia Wambui	12528227		
23	Ann Roguru John	1837129		
24	[illegible]	[illegible]		
25	John Simi	21420328		
26	Peter Kinyanjui	6713657	401 Kiambu	
27	Stephen Kamau	1191753		
28	Jane Wanjiku	10195744	314 KIAMBU	
29	James Njoroge	5359720	314 KIAMBU	
30	Edwin Waweru	29638947		
31	Catherine Wanjiku	26816976	314 Kiambu	
32	Maina Wa Waithera	4800534	335010060	
33	Hellen Wanjiru MaryAnn	13533359	314 KIAMBU	
34	Hannah Wanjiku Mamy		314 Kiambu	
35	Mary Kanji Nyange	0552911	314 Kiambu	Mary Kanji
36	Hannah Wanjiku	0553421	314 KIAMBU	
37	Hellen Wanjiru	13533359	314 KIAMBU	
38	Lawrence Murimi Kinyanjui	0894870	314 Kiambu	

PUBLIC PETITION TO THE NATIONAL ASSEMBLY PURSUANT TO STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

Dated this.....17th.....day of.....May..... 2025

NO	Name of Petitioners	ID Numbers	Address	Signature
39	FRANCIS IRONJO	0896564	314/KIAMBU	
40	Jane Muchaba	8510480	996 KIAMBU	
41	Nancy Chira	0896186	314 KIAMBU	
42	~~Peter Mwangi Mburu~~ Jane Njeri Miringa	34843346	829 malindi	
43	GEORGE NGANGA KIRIMU	4330911	223-00900	
44	BONIFACE KIMUNYA MWOI	3217966	1914 KIAMBU	
7	SAMUEL KIMUNYI KARANJA	14647501	1339 KIAMBU	
8	SAMUEL MWAURA MBUGUA	8485685	587 KIAMBU	
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Kenya National Highways Authority
Quality Highways, Better Connections

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 11:30AM 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 County Assembly for Riabai Ward
6. Member of County Assembly for Ting'ang'a Ward
7. Local Administration
8. Lakezone Enterprises Ltd Representative
9. Kenton Hotel Representative
10. Gitei Village Residents

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No.....
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AGENDA

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

MIN	DELIBERATION	ACTION
1.0	**Introduction**	
1.1	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.	Info
1.2	The Chairperson further informed the members that KeNHA was doing 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 began installation of the boundary posts at the section, however, there was resistance by the local residents who went ahead and demolished some of them.	
2.0	**Opening Remarks** The leaders made their opening remarks as highlighted below;	
2.1	• The MCA, Riabai Ward, appreciated KeNHA for Ruiru-Tatu City-Kiambu's Road improvement works noting that the road was now in a good condition. He however pointed out that there were safety concerns that arose from speeding vehicles and the recently installed humps. The same had been communicated to KeNHA for action. On matters concerning the road reserve extent, he highlighted that there was need for the residents to be engaged prior to installation of the boundary posts. He alluded that the residents felt that KeNHA had encroached on their land.	MCA-Riabai
2.2	• The MCA, Ting'ang'a Ward, raised concerns on flooding in Mugumo area noting that the drainage issue was as important as the road reserve extent issue.	MCA-Ting'ang'a
2.3	• The Kiambu MP's representative appreciated the KeNHA team for their collaborative efforts with Kiambu's MP's office noting that most safety issues	Kiambu MP Representative

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
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	had been addressed.	
3.0	**Presentation of Road Reserve Boundary**	
3.1	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). 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; • Km 0+000 (Kenyatta University Ruiru Campus) – Km 9+500 (Tatu City); **60m Corridor extent** • Km 9+500 (Tatu City) – Km 12+800 (Kiu River); **40m Corridor extent** • Km 12+800 (Kiu River) – Km 14+500 (Kirigiti); **60m Corridor extent** The road then narrows towards Kiambu. Members were informed that marker posts had been erected from Ruiru to Kiambu with the exception of the affected section. Survey maps (RIMs Ndumberi/Riabai Sheet 12&9 and Survey Plan FR No. 9/69) acquired from 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.	
4.0	**Deliberations**	
4.1	Following the above-mentioned findings, the members reacted with the following summarized concerns; ➢ Exact width of the road reserve as measurement in the survey map were in feet as opposed to meters. ➢ Members differed with the extent of 60m as they alluded that they had sourced	Members

	for surveyors when demarcating their land. They wondered 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 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.	
4.2	The KeNHA team responded to the raised concerns as highlighted below; ➢ 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 due to the economic importance of the area 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 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 originate form the same survey maps. Therefore, all surveyors should use the current survey maps from Surveyor of kenya during demarcation of the road and land and thus they should not vary.	KeNHA
4.3	The Deputy County Commissioner pointed out that there was need collaboration between KeNHA, County planners and Survey of Kenya for confirmation of the road extent and land/plot boundaries.	DCC
5.0	**Way Forward** It was agreed that a taskforce committee be formed with the mandate of establishing	Taskforce

	the exact road extent. This shall be done by confirmation of the survey maps from Survey of Kenya and old maps which were to be provided by the residents.	Committee
6.0 6.1	**Conclusion** All stakeholders exhibited goodwill towards the taskforce's undertakings and assured their support throughout the process. The Chair appreciated all the stakeholders for availing themselves for the meeting and their cooperation. The area MCA thanked the members for sparing time to attend the meeting and advised the taskforce that and road improvement works should involve the locals.	Info
.0	**Adjournment** The meeting was adjourned at 2:00pm and the proposed next meeting was scheduled to take place in a month's time.	Info

.....

Mr. Victor Macharia – DCC Kiambu

CHAIRPERSON

.....

Eng. Rinah Ghikamai

SECRETARY

Snr. Surv.

Kenya National Highways Authority
Quality Highways, Better Connections

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	SIGNATU
1.	Kipilemoi Rono	KeNHA	Snr. Surveyor	0707899469	K.rono@Kenha.co.ke	
2.	Regina T. Mwanzo	KeNHA	Supt. Roads	0726118498	Tmwanzo@Kenha.co.ke	
3.	Mwangi Grace	KeNHA	Asst. Surv	0702 92 32 34	—	
4.	PETER MUNGAI	KeNHA	A.E	0720 494097	mupgamwangi@gmail.com	
5.	ACHUTI S.O.	KeNHA	PLAN	0729903025	Shobac@gmail.com	
6.	David Sonaya	KeNHA	A. Surveyor	0720383406	d.Sonaya@Kenha.co.ke	
7.	James Mureithi	KeNHA	Surveyor Asst	0721783932	Mureithijms@gmail.com	
8.	Boniface Kimunya Mwai			0721527928	bonimwai@gmail.com	
9.	FRANCIS IRONJO KINYANJUI			0712209763		
10.	Loise Wanjiku Kariuki			0707369599		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNA
11.	David Otuoma	KeNHA	AICTO	0776770323.	—	
12.	John Ikinya	SNR CHIEF	D/INTERIOR	0726594719		
13.	Stanley Gikwa	Ass/Chief	Interior	0727427238		
14.	NANCY WAHOMU CHIEF			0768157696		
15.	D.K. Muchaba			0724-034082		
16.	Salome Mbiko			0707-284492		
17.	Benard Kimani			0717395847		
18.	John Mungai			0[illegible]		
19.	Wambugu Gachugu			0707196669.		
20.	LAWRENCE MUIRURI			0713772362		
21.	SAMUEL KARANJA			0725491005		
22.	Peter Kinyanjui.			0723780675		
23.	Stephen M. Muchui			0722527031		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNAT
24.	HUSSEINA COSMAS			0720964511		
25.	Edwin Wawer			0727750140		
26.	ANTONY NJOGENA			0727750140		
27.	—					
28.	Jane Muchoki			0721588530		
29.	Hawa Wanjiku Wangi			0713262403		L
30.	Jane gathoni			0731596261		
31.	Stephen Muiruri			0712699516		
32.	ELIJAH CIRAY KIMANTA			0726066328		
33.	ALEX MWITA			0740127356		
34.	EVANS ADUNGO			0757406600		
35.	PETER KIMANI			0724690060		
36.	Mary KANYI			0722680039		Mary

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
37.	Hellen Wanjiru			0725584713		
38.	Jesse wangare			0717554741		
39.	Samuel Mwaura			0722910361		
40.	Washington kariuki			0723427457		
41.	[illegible]			072,9889981		
42.	Michael Mburu			0795283164		
43.	Winnie Njeri			0728895669		
44.	Francis Kiarie			0725 3543		
45.	ANASTASIA SYOKAU			0723803266		
46.	Peter Kangara			0725965243		
47.	MERCY S. MWAURA			0722253816		
48.	PETER KARIUKI MIERU			0703898801		
49.	TERESIA NDUTA			0726908803		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
50.	Bacha K Nganga			0795-029498		
51.	Charles M Mwingi			0705334056		Charles
52.	Peter Wekesa			0727707126		
53.	Augostino Ngaruiya			0707187200		
54.	Absolom Maina	Kiambu County	Roads Supt	0727385066		
55.	FLORENCE MUEKE			07+39921040		
56.	Magdalene Kioko			0759136035		
57.	Andrew Aduati	KIAMBU COUNTY	AG. DIRECTOR	0724780772		
58.	Fidelis Mungai	"		0707470708		FM
59.	PETER KIBURU	"	"	0721597082		
60.	Thomas Kimani			0719299712		
61.	Susan Mbatia			0727115805		
62.	Hanna Njeri			0715119040		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
63.	HON HEZRON GACHUI	COUNTY	MCA	0722939099	hez.nagachui@gmail	
64.	GEORGE NGANGA			0727988167		
65.	BONFACE KATIRI			0716279026		
66.	Susan Iroya			0725455141		
67.	Lawrence Mwaura	County	MCA	0722553830	mwauranapoleon@gmail	
68.	PAUL KIRORI			0721457728	Paul Kiror 4 Corgan @	
69.	KENNETH KIMUNYA			0722252676	ken28ke@gmail.com	
70.	Teresia N. Ngugi			0721582232		Ngugi
71.	Washington Iranjo			0700428906		
72.	Stephen Kamau			0724442600		
73.	Anthony Ngugi			0722447246		
74.	Grace Nyambura			0720834231		
75.	JOHN WAWERU			0726227025		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATU
89.	Robert Waititu			0704952545		
90.	Samson Ndungu			0722504765		
91.						
92.						
93.						
94.						
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96.						
97.						
98.						
99.						
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101.						

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
76.	Arurasia Wambui			0722861845.		
77.	Regina Wambui.			----		
78.	Sarah Mumbi			0725059003		
79.	Teresia Wambui			072:233729		
80.	Joyce Wanjiru			0797885216		
81.	Johnson Waweru			0723919184		
82.	Josphat Karanja.			0722576066		
83.	James Njoroge.			0721799998		
84.	Peter Kimani			0724690060		
85.	Susan Iraya.			0725455141		
86.	Samuel Kiringu			0722779459.		
87.	James Njoroge			0721771303		
88.	Thomas Kimani N.			0799483367		

2ND JULY 2025

NO.	NAME	CONTACT	WARD
1	Peter Kiatrie	0721597082	Riabai
2	James Ndegwe	0721721503	Riabai
3	Tomas Kimani	0799483367	Riabai
4	Boniface Kimunya Mwoi	0721527928	"
5	Samuel Mwaura Mbugua	0722910361	"
6	Kiburia Mawera	0704 174250	"
7	Robert Waititu	0704095245	"
8	Paul Njau Kirori	0724577128	"
9	Stephen Kamau Irongo	0724442600	"
10	Peter Kinyanjui	0723780675	"
11	Washington Kariuki Mwaniki	0723427457	"
12	Benard Mbuvi Kimani	0717395847	Riabai
13	Samuel Karanja	0725494505	"
14	D.K Kuchaba	0724034087	"
15	Susan Iraya	0725455141	"
16	Ann Wangui	0729717870	"
17	Mary Wionge	0722680039	"
18	Hannah Ruguru	0723836547	"
19	Joyce Wanjiru	0723210482	"
20	Hannah Wamugi	0713262403	"

2ND JULY 2025

NO.	NAME	CONTACT	WARD
21	JANE WACIRA	0726677328	Kiabai
22	~~ISAIAH KIBURIA~~	~~0725754542~~	~~Ks~~
23			
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Kenya National Highways Authority
Quality Highways, Better Connections

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 2nd July, 2025 AT 11.00AM AT KIAMBU C Cs OFFICE

MEMBERS PRESENT

1. Kiambu Assistant County Commissioner
2. Chief Kirigiti Location
3. KeNHA Nairobi Region Representatives
4. Kiambu District Surveyor Representative
5. Kiambu Member of Parliament Representatives
6. Kiambu Water and Sewerage Company Representative
7. Gitei Village Residents Committee

MEMBERS ABSENT WITH APOLOGY

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No.
RECEIVED

MEMBERS ABSENT WITHOUT APOLOGY

AGENDA

1. Opening prayer and introductions
2. Review of minutes of previous meeting
3. Matter arising
4. Brief and Presentation of Road Reserve Boundary
5. Deliberations
6. Way Forward
7. Conclusion
8. Adjournment

MIN	DELIBERATION	ACTION
1.0	**Introduction**	
1.1	Members assembled at the Kiambu DCC's office, Conference Hall at 11:00 am, and the meeting commenced with a word of Prayer from Pastor Mwaura. The area chief, Mr. John Njenga, welcomed all the members to 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 a need to find a solution for the road reserve boundary dispute at Gitei Village along Ruiru-Tatu City-Kiambu Road.	Info
1.2	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; however, there was resistance by the residents who stopped the installation until the boundary dispute was amicably resolved.	

MIN	DELIBERATION	ACTION
1.0	**Introduction**	
1.1	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.	Info
1.2	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.	
2.0	**Opening Remarks** The leaders made their opening remarks as highlighted below;	
2.1	• 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. 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.	MCA-Riabai
2.2 2.3	• 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.	MCA-Ting'ang'a

	• 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
3.0	**Presentation of Road Reserve Boundary**	
3.1	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). 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; • 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** The road then narrows towards Kiambu. 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). 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.	

4.0	**Deliberations**	
4.1	Following the above-mentioned findings, the members reacted with the following summarized concerns; ➢ 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	The KeNHA team responded to the raised concerns as below; ➢ 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	Survey of Kenya during the demarcation of the road and land, ensuring that the boundary remains consistent. 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.	DCC
5.0	**Way Forward** 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.	Taskforce Committee
6.0	**Conclusion** All stakeholders exhibited goodwill towards the task force's undertakings and assured their support throughout the process. The Chair appreciated all the stakeholders for availing themselves for the meeting and their cooperation. The area MCA thanked the members for sparing time to attend the meeting and advised the taskforce that and road improvement works should involve the locals.	Info
7.0	**Adjournment** The meeting was adjourned at 2:00 pm, and the proposed next meeting was scheduled to take place in a month.	Info

.....

Eng. Rinah Chikamai
CHAIRPERSON

.....

Mr. Kipkemoi Rono
SECRETARY

Kenya National Highways Authority
Quality Highways, Better Connections

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.	Kipkemoi Rono	KeNHA	SNR. SURVEYOR	0707 887469	K.rono@kenha.co.ke	
2.	Regina T. Mwanzo	KeNHA	Supt. Roads	0726 118498	T.Mwanzo@kenha.co.ke	
3.	Mwangi Grace	KeNHA	ASST. SURV	0702 42 32 34	—	
4.	PETER MUNGA	KeNHA	A.E	0720 044097	mupgawanga@gmail.com	
5.	ACHUTI S.O.	KeNHA	RLO	0729 903025	Shotac@gmail.com	
6.	David Sama	KeNHA	A. Surveyor	0729383406	d.Sama@kenha.co.ke	
7.	James Muriithi	KeNHA	Surveyor Tech	0721 783932	Mariithijms@gmail.com	
8.	Boniface Kimunya Mwai			0721527928	bonimwai@gmail.com	
9.	FRANCIS IRONJO KINYANJUI			0712209763		
10.	Loise Wanjiku Kariuki			0707369599		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNA
11.	David Otuoma	KeNHA	AICTO	0776776328	—	
12.	Joseph IKUNYA	SR CHIEF	D/INSPECTOR	0726394919		
13.	Stanley Gikwa	Asst Chief	Inspector	0727427738		
14.	NANCY WAIAKMU CHIRA			0768157696		
15.	D.K. Muchakaka			0724-734082		
16.	Salome Hdiko			0707-224492		
17.	Benard Kimani			0717398847		
18.	John Mungai			0[illegible]		
19.	Wambugu Gachugu			0707196669		
20.	LAWRENCE MUIRURI			0713772362		
21.	SAMUEL ICARANJA			0723[illegible]		
22.	Peter Kinyanjui			0723480675		
23.	Stephen K. Muchui			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@parlaiment.go.ke and **Mr. Victor Weke, Principal Clerk Assistant II**, who may be contacted on **Tel. No. 0736124597** or Email: victor.imbo@parlaiment.go.ke copy to: cna@parliament.go.ke.

Yours sincerely

Serah 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

DIRECTORATE OF DEPARTMENTAL COMMITTEES
RECEIVED
25 MAY 2026
NATIONAL ASSEMBLY
RECEIVED
25 MAY 2026
DEPUTY DIRECTOR
AUDIT, APPROPRIATIONS
GENERAL PURPOSE COMMITTEES

Victor Weke
25.5.26

INSTITUTION OF SURVEYORS OF KENYA

20th May, 2026
Ref No. ISK/COU/EN/26/059

Mr. Samuel Njoroge, CBS
The Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100, Nairobi, Kenya

D/ APCSPD / D/DCS
For attention of relevant Committees.
CPA 2115

Dear Mr. Samuel Njoroge,

SUBJECT: FORWARDING OF SUBMISSIONS ON PUBLIC PETITIONS NO. 29 OF 2025 AND NO. 18 OF 2025

We refer to your letter dated 30th March 2026 inviting ISK to submit its views on Public Petition No. 29 of 2025 concerning the alleged encroachment of community land by the Kenya Wildlife Service in Kitui South, and Public Petition No. 18 of 2025 concerning the dispute on road reserve boundaries in Gitei Village, Kiambu County.

ISK has reviewed the petitions and the issues raised therein and hereby submits its technical, legal, and policy observations and recommendations for consideration by the relevant Committee of the National Assembly. Our submissions address, among other issues:

1. The need for independent boundary verification and authentication of survey records;
2. Compliance with constitutional and statutory requirements in land acquisition and boundary adjustments;
3. The legal status and interpretation of survey plans, gazette notices, and cadastral records;
4. The implications of overlapping public interests such as road reserves and riparian corridors;
5. The importance of harmonization, digitization, and modernization of Kenya's land administration and survey systems.

ISK remains committed to supporting Parliament and other State agencies in resolving land-related disputes through professional, evidence-based, and technically sound approaches. The Institution is also available to provide technical experts to support any site visits, verification exercises, or stakeholder engagements that the Committee may undertake in relation to these petitions.

NATIONAL ASSEMBLY
RECEIVED

Head Office
10th Floor, Reinsurance Plaza,
Taifa Road, Aga Khan Walk,
P.O. Box 40707-00100, Nairobi
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Website: www.isk.or.ke

Coast Branch Office
9th Floor, NSSF Building
Nkrumah Road,
P.O. Box 80325-80100, Mombasa
Tel: 0724929737
Email: coastbranch@isk.or.ke
Website: www.isk.or.ke

Western Branch Office
2nd Floor, Sita House,
Kibuye Mission Road,
P.O. Box 2072-40100, Kisumu
Tel: 0724929737
Email: westernbranch@isk.or.ke
Website: www.isk.or.ke

South Rift Branch Office
1st Floor, Room 207,
London House, Lower Bedi Road,
Tel: 0724929737
Email: southriftbranch@isk.or.ke
Website: www.isk.or.ke

Please find enclosed the Institution's detailed submissions for your consideration.

Yours Sincerely,

Eric Nyadimo, MISK, LS(K)
President, ISK

Encl: ISK Submissions to the National Assembly

Institution of Surveyors of Kenya

SUBMISSIONS ON PUBLIC PETITIONS NO. 29 OF 2025 AND NO. 18 OF 2025

1. Introduction

The Institution of Surveyors of Kenya (ISK) acknowledges receipt of the request from the Clerk of the National Assembly dated March 30, 2026, seeking input on Public Petitions No. 29 of 2025 and No. 18 of 2025. As the statutory professional body representing surveyors in Kenya, ISK is mandated to promote best practices in land surveying, uphold professional standards, and provide technical advisory on land and boundary-related matters. Having reviewed the issues and prayers raised in both petitions, ISK hereby submits its technical, legal, and policy perspectives to assist the Committee in its deliberations and recommendations.

2. Response to Petition No. 29 of 2025: Encroachment of Community Land by KWS in Kitui South

The petition raises serious allegations that the Kenya Wildlife Service (KWS) has irregularly expanded conservation boundaries into community land without adherence to lawful procedures, including absence of public participation, lack of formal survey processes, and failure to undertake gazettement or compensation.

ISK Submissions:

a) Boundary Verification and Survey Integrity

ISK strongly supports the prayer for a transparent and independent boundary verification exercise. Such an exercise should be undertaken under the leadership of the Director of Surveys (Survey of Kenya) to:

i. Compare existing Registry Index Maps (RIMs), survey plans, and deed plans with current ground positions; and
ii. Re-establish and authenticate the original gazetted boundaries;
iii. Identify and document any encroachments or irregular boundary alterations.

This process must be evidence-based and anchored on official survey records to ensure technical accuracy and legitimacy.

b) Compliance with Constitutional and Statutory Frameworks

Any expansion of protected or conservation areas into community land must strictly comply with the Constitution of Kenya, 2010, and the Community Land Act. This includes:

i. Prior informed consent of the affected communities;
ii. Meaningful and documented public participation;
iii. Lawful acquisition processes where applicable; and
iv. Prompt, just, and full compensation for any deprivation of land rights.

Failure to adhere to these requirements renders such expansion procedurally and constitutionally defective.

c) Documentation, Gazettement, and Legal Certainty
Boundary changes affecting land tenure must be supported by proper documentation, including survey plans, gazette notices, and cadastral updates. The absence of such documentation creates uncertainty and increases the risk of disputes. ISK therefore supports the petitioners' request for production of all relevant survey and legal instruments justifying any boundary changes.

d) Socio-Economic and Land Use Implications
The reported displacement, loss of grazing land, and disruption of livelihoods underscore the importance of integrating land administration with socio-economic considerations. Surveying and boundary demarcation should not be undertaken in isolation from human settlement patterns and land use realities.

e) Digitization and Public Access to Land Information
This dispute highlights systemic gaps in access to land information. ISK recommends that the Ministry of Lands through Survey of Kenya prioritize the digitization and public accessibility of geo-referenced cadastral data to enhance transparency and reduce overlapping claims.

3. Response to Petition No. 18 of 2025: Road Reserve Boundaries in Gitei Village, Kiambu
The petition concerns a dispute over the width of the Kiambu–Ruiru road reserve, where residents rely on a 40-meter corridor supported by a 2003 Gazette Notice and subsequent government communication, while the Kenya National Highways Authority (KeNHA) seeks to enforce a 60-meter reserve based on a 1914 survey plan (FR No. 9/69).

ISK Submissions:

a) Hierarchy of Survey Instruments and Legal Authority
Survey plans (Field Records – FRs) provide the technical basis for boundary definition; however, their legal effect must be interpreted alongside subsequent statutory instruments, including Gazette Notices and registered titles. Where later government actions, such as the 2003 Gazette Notice and official correspondence, have established a 40-meter corridor, these create a legitimate expectation among landowners and should take precedence in guiding land use, unless formally revoked through due legal process.

While such issues are common because after acquisition, final survey and vesting are usually delayed. In this case it is notable that the 2003 Gazette Notice that is being referred to is general and not specific to the road in question. In deed the same gazette notice says that for specific width measurements one should refer to xxx.

Our view here is that the Gazetter Notice is not specific and cannot take precedence. The Survey plan in question was done in 1914 and is still valid as it has not been superseded. In addition this road reserve has been in existence for over 112 years

b) **Impact of Overlapping Public Interests (Road Reserve and Riparian Z**
The combination of an expanded road reserve and riparian buffer zones presents a significant technical and legal challenge. Where such overlaps effectively render private land unusable, the result is a de facto deprivation of property. ISK emphasizes that in such circumstances, the State cannot rely solely on historical reservations but must initiate formal compulsory acquisition processes in accordance with the law, including valuation and full compensation.

c) d) Protection of Registered Titles and Developments
The potential demolition of permanent structures and disruption of long-settled communities raises concerns of equity and proportionality. Registered land rights must be protected, and any limitation thereof must meet the constitutional threshold of legality, necessity, and fairness.

The issue of the 30 metre riparian reserve needs to be investigated further. The documents presented do not show any reservation on the survey plans. The riparian reserve should not be applied retrospectively. If there is need for that reserve then it should be acquired and the land owners should be compensated.

d) Recommendation on Corridor Standardization
ISK recommends that the National Assembly directs a technical reconciliation between the 1914 survey plan (FR No. 9/69) and the 2003 Gazette Notice, with a view to affirming a 60-meter corridor. The survey plan has been in existence for long and any change must be properly justified.

4. General Observations and Recommendations
a) Harmonization of Institutional Mandates and Records
There is a pressing need to harmonize the records and operations of key agencies, including KeNHA, KWS, the Ministry of Lands, and the National Land Commission. Fragmentation and inconsistency in land records contribute significantly to disputes and uncertainty.

b) Modernization of Survey and Land Administration Systems
The persistence of disputes rooted in outdated or inaccessible records underscores the urgency of modernizing Kenya's cadastral system through digitization, integration, and real-time updating of land information.

c) Strengthening Legal and Policy Frameworks

The ongoing review of land-related statutes, including those governing land use, tenancy, and administration, should be supported to ensure that Kenya's legal framework reflects current realities and minimizes conflict. In this respect it is necessary that the resultant surveys from the surveys of road corridors are presented to the Director of Surveys for checking and authentication. This way any changes in the corridor definitions will be relayed to any land parcels where that road passes. This will reduce such issues from occurring

5. Conclusion

ISK reiterates its commitment to supporting the National Assembly in addressing land-related disputes through professional, technical, and evidence-based approaches. The Institution of Surveyors of Kenya remains available to provide technical experts to accompany the Committee during site visits and to participate in boundary verification exercises in both Kitui South and Gitei Village.

REPUBLIC OF KENYA

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 gazettement 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 caried 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.) Phylis 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 gazettement 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 gazettement 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 I/ 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;

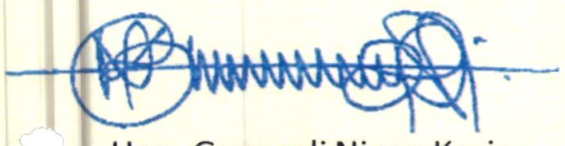
(iv) Engages the National Land Commission to investigate pre-colonial land injustices committed against the Mau Mau veterans; and

(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.



Hon. Generali Nixon Korir
PRINCIPAL SECRETARY

9th March 2026

3) **Public Petition No. 5 of 2024 regarding the Illegal Acquisition of Parcels of Land known as Kapkagaron Farm LR. NO. 5423/2 and LR. NO. 6053 in Nandi Hills Sub-County;**

Honourable Chairperson, with respect to Public Petition No. 5 of 2024 regarding the Illegal Acquisition of Parcels of Land known as Kapkagaron Farm LR. NO. 5423/2 and LR. NO. 6053 in Nandi Hills Sub-County, the Committee requested the Commission to respond to the matter by addressing the following key item:
"Current status of your proceedings of historical injustice claim no. NLC/HLI/3745/2021, considering timeliness as a principle of fair administrative action."

PETITIONERS' CLAIM

Honourable Chairperson and Honourable Members, the Petitioners claim that Kapkagaron Farm LR No. 5423/2 and LR No. 6053 in Nandi Hills Sub-County formed part of land expropriated by White Colonial Settlers in the early 1940s. They state that Kakuzi Ltd later agreed to surrender portions of the land to the community for settlement of squatters and establishment of public institutions.

The Petitioners further state that part of the land measuring approximately 242 acres was earmarked for establishment of Kapkagaron Technical Secondary School, while LR No. 6053 measuring 440 acres was intended for settlement of squatters.

The Petitioners aver that discussions on subdivision and transfer of the parcels commenced in the 1980s and culminated in approvals and transfers involving Siret Tea Company Ltd and Kakuzi Ltd in the early 1990s.

The Petitioners further contend that LR No. 5423/2 was subsequently transferred to Tinderet Development Trust Company through an irregular and illegal process and that the said company was non-existent as per correspondence from the Registrar of Companies dated 6th August 2015.

The Petitioners additionally state that the status of LR No. 6053 remains unresolved despite commitments to transfer the same to the community. Consequently, the Petitioners pray that the matter be investigated, that squatters occupying the land be prioritized during settlement, and that appropriate action be taken against officers alleged to have facilitated the impugned transactions.

BACKGROUND

Honourable Chair & Committee Members, the Commission wishes to make reference to its earlier submission ***Ref. NLC/HLI/3745/ 2021 dated 6th March 2026 (Annexure 8).***

The complaint before the Commission alleges that the land comprising LR. No. 5423/2 and LR. No. 6053 (Kapkagaron Farm) constituted ancestral land belonging to the forefathers of the complainants which was historically alienated during the colonial period.

According to the complaint, the land was initially granted to Douglas Claude Vanning on 3rd July, 1924, after which several transfers were undertaken by subsequent settler owners. The complainants further state that in the 1970s, the then Member of Parliament Hon. Jean-Marie Seroney, together with squatters occupying the land, approached Siret Tea Company seeking allocation of a portion of land for settlement and establishment of public institutions. Although the request was reportedly granted, the settlement was never actualized, giving rise to the present claim.

Whether the Commission is seized of the matter

Pursuant to Article 67(2)(e) of the Constitution of Kenya, 2010 and Section 15 of the National Land Commission Act, 2012, the Commission received a Historical Land Injustice complaint from Kapkagaron Farmers Co-operative Society Limited vide a letter dated 15th July, 2018

The complaint was formally received by the Commission on 14th November, 2018 and subsequently admitted for investigation as Historical Land Injustice Claim No. NLC/HLI/3745/2021 – Kapkagaron Farmers' Co-operative Society Limited VS Tinderet Development Trust Company Limited & Kakuzi PLC.

The Commission is therefore properly seized of the matter within its constitutional and statutory mandate to investigate and recommend appropriate redress for Historical Land Injustices.

Chronological steps taken by the Commission

Following admission of the claim, the Commission commenced investigations in accordance with Section 15 of the National Land Commission Act.

As part of the investigative process, the Commission conducted status conference mentions on 4th August, 2025, 12th August, 2025 and 28th August, 2025 to facilitate case management and preparation of the matter for hearing.

Subsequently, through a letter dated 29th August, 2025, the Commission directed that the matter proceeds for a physical hearing scheduled for 4th September, 2025 at 9:30 a.m. at the Commission's offices at 316 Upperhill Chambers, Nairobi

Court proceedings affecting the matter

Before the scheduled hearing could take place, the Respondent, Kakuzi PLC, filed Milimani Judicial Review Miscellaneous Civil Application No. E269 of 2025 – Kakuzi PLC VS National Land Commission & Kapkagaron Farmers' Co-operative Society Limited & Others ***(Annex 9),*** challenging certain directions issued by the Commission, particularly in relation to timelines for the proceedings.

OUR RESPONSE

The Commission's position is that Historical Land Injustice Claim No. NLC/HLI/3745/2021 remains properly before the Commission and has not yet been concluded.

The Commission will proceed with the hearing and determination of the matter in accordance with its constitutional mandate, the National Land Commission Act, and the principles of fair administrative process, upon completion of the procedural steps arising from the court proceedings.

Honourable Chair and Committee Members, I hereby submit.

Kabale Tache Arero, MBS
SECRETARY/CEO

ANNEXURES

i) **Annexure 1: Ref. NLC/NA/PPC/HLI/025/2017/19 /11 /2025 (1) dated 18th November, 2025**

ii) **Annexure 2: Meru ELC/JR Misc. Civil Application No. 5 of 2019**

iii) **Annexure 3: Ontulili Determination (2022)**

iv) **Annexure 4: Legal notices nos. 68 of 1975 and 107 of 1977 excising the land from Mt. Kenya Forest**

v) **Annexure 5: Evidence of 'purchase' and ownership of the land in question by the Angaine family;**

vi) **Annexure 6: Survey Plan F/R No. 9/69**

vii) **Annexure 7:Gazette Notice No. 3632 (Vol. CV, No. 59)**

viii) **Annexure 8: Ref. NLC/HLI/3745/ 2021 dated 6th March 2026**

ix) **Annexure 9: Milimani Judicial Review Miscellaneous Civil Application No. E269 of 2025 – Kakuzi PLC VS National Land Commission & Kapkagaron Farmers' Co-operative Society Limited & Others**

x) **Annexure 10: Ruling delivered on 3rd September, 2025**

xi) **Annexure 11: Consent - 18th September, 2025**

Kenya National Highways Authority
Quality Highways, Better Connections
Barabara Plaza, Block A & C, Jomo Kenyatta International Airport (JKIA), Off Airport South Road, along Mazao Road,
P.O Box 49712 - 00100 Nairobi, Tel 020 - 4954000 / 0700 423 606 Email dg@kenha.co.ke / Website www.kenha.co.ke

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

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,

Kimeli

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

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.

Kenya National Highways Authority
Quality Highways, Better Connections

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

KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

THAT residents have made various efforts to engage KENHA, WARMA and KIWASCO for clarification and redress, including community inquiries, site visits and dialogue with local officials but have failed to yield any substantive action or compensation.

THAT the subject matter of this petition is not pending before any court of law or other constitutional or legal bodies.

Therefore, your humble petitioners pray;

1. That this petition be dealt with immediately in view of the urgency and gravity of the issues raised herein.
2. That the National Assembly, upon receipt of this petition, consider revoking the Survey Plan FR No. 9/69 which was later authenticated in 1914 during the colonial era; and use current regal statues and community consultations rather than outdated mapping.
3. Gazetting the section affected area **km12+800 (Kiu River) to km 14+500 (Kirigiti) from a 60m corridor extent to 40m,** and consequently making the road reserve uniform for fair compensation for affected land owners.
4. Ensure recognitions of existing certificate of titles especially where riparian land and road reserve now overlap entirely and making the owner of title deeds No Ndumberi /Riabai 14, Ndumberi Riabai 125 and Ndumberi Riabai 337. **NOTE:** These portions of land are entirely submerged by the Riparian Land and the 60m road reserved, thus making the owners landless.
5. Protects the rights of ancestral land holders, and ensures that future infrastructural expansion respects community rights and equitable compensation.
6. Ensures that any deductions of land for public use be accompanied by transparent public participation and legal due process.
7. Address continued levying of land rates be only done on the portions of land used, excluding the riparian area.

We belief that with the support of the National Assembly, we the residents of Gitei Village will get a fair protection of our lands and continually strive to ensure that the residents are

STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

able to develop the country in harmony while still maintaining and protecting the environment.

Dated this..... day of..... 2025

NO	Name of Petitioners	ID Numbers	Address	Signature
1	ROBERT KAMAU MURU	0894880	314 KIAMBU	
2	PAUL NJAU KIHORI	9267158	Box 176 Kiambu	
3	MUNURI KIAMBERA IRUNGU	21824074	00900-1339	
4	WASHINGTON IRUNGU WAMBERA	055 2924	00900 -1339	
5	TERESIA N. NGUGI	11191932	00900-1339	
6	Michael M. Mwangi	24319199	8 00900	
7	JOHN [illegible]	[illegible]	[illegible]	
8	[illegible] N. Njoroge	35126314	[illegible]	
9	Stephen Nyutu Mbugua	5197040	314 KIAMBU	
10	John Mwangi Mbugua	11191133	314 Kiambu	
11	Jane Nyeri	11349583	314 Kiambu	
12	John Njenga	3104	314 Kiambu	13/08
13	Hannah Nyari		1787 Kiambu	
14	Rosemary Mugunya	14513216	1787 KBU	
15	ANNE WAIRIMU	0355547	1787 KBU	
16	Raurasea Wambui	8819291	1339 KBU	
17	Susan Iraya	30767147	314 Kiambu	

STANDING ORDER 223 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

18	Jane Wambui	24945897		
19	Lucy Njoki Kimani	22652292	16 KIAMBU	
20	Sarah Njeri	39072535	16 KIAMBU	
21	Winnie Njeri	11029418		
22	Teresia Wambui	12528227		
23	Ann Rogoru John	1837129		
24				
25	John Simm.	21428328		
26	Peter Kinyanjui	6713657	401 Kiambu	
27	Stephen Kamau	1191753		
28	Jane Wanjiku	10195744	314 KIAMBU	
29	James Njoroge	5359720	314 KIBU	
30	Edwin Waweru	29638947		
31	Catherine Wanjiku	26816976	314 kiambu	
32	Maina wa Waithira	4300534	3350100600	
33	Hellen Wanjiru MaryAnn	13533359	314 KIAMBU	
34	Hannah Wanjiku Mwangi		314 Kiambu	
35	Mary Kanji Njoroge	0552911	314 Kimbu	Mary Kanji
36	Hannah Wanjiku	0553421	314 KIAMBU	
37	Hellen Wanjiru	13533359	314 KIAMBU	
38	Lawrence Muiruri Kinyanjui	0894870	314 Kiambu	

STANDING ORDER 229 REGARDING THE KIAMBU-TATU CITY-KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

Dated this.....day of.....2025

NO	Name of Petitioners	ID Numbers	Address	Signature
39	FRANCIS IRONJO	0896564	314/KIAMBU	
40	Jane Muchaba	8510480	996 KIAMBU	
41	Nancy Chira	D896186	314 KIAMBU	
42	~~Peter Mwangi Mbugua~~ Faste Njeri Mwangi	34843346	82 Gmalinti	
43	GEORGE NGANGA KIRIGU	4330911	223-00900	
44	BONIFACE KIMUNYA MWOI	3217966	1914 KIAMBU	
7	SAMUEL KAMAU KARANJA	11647501	1339 KIAMBU	
8	SAMUEL MURIRA MBUGUA	8485689	587 KIAMBU	
9				
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Kenya National Highways Authority
Quality Highways, Better Connections
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 11:30AM 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 County Assembly for Riabai Ward
6. Member of County Assembly for Ting'ang'a Ward
7. Local Administration
8. Lakezone Enterprises Ltd Representative
9. Kenton Hotel Representative
10. Gitei Village Residents

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No.
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AGENDA

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

MIN	DELIBERATION	ACTION
1.0	**Introduction**	
1.1	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.	Info
1.2	The Chairperson further informed the members that KeNHA was doing 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 began installation of the boundary posts at the section, however, there was resistance by the local residents who went ahead and demolished some of them.	
2.0	**Opening Remarks** The leaders made their opening remarks as highlighted below;	
2.1	◦ The MCA, Riabai Ward, appreciated KeNHA for Ruiru-Tatu City-Kiambu's Road improvement works noting that the road was now in a good condition. He however pointed out that there were safety concerns that arose from speeding vehicles and the recently installed humps. The same had been communicated to KeNHA for action. On matters concerning the road reserve extent, he highlighted that there was need for the residents to be engaged prior to installation of the boundary posts. He alluded that the residents felt that KeNHA had encroached on their land.	MCA-Riabai
2.2	◦ The MCA, Ting'ang'a Ward, raised concerns on flooding in Muguno area noting that the drainage issue was as important as the road reserve extent issue.	MCA-Ting'ang'a
2.3	◦ The Kiambu MP's representative appreciated the KeNHA team for their collaborative efforts with Kiambu's MP's office noting that most safety issues	Kiambu MP Representative

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2021
SERIAL No.
RECEIVED

	had been addressed.	
3.0	**Presentation of Road Reserve Boundary**	
3.1	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). 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; ○ Km 0+000 (Kenyatta University Ruiru Campus) – Km 9+500 (Tatu City); **60m Corridor extent** ○ Km 9+500 (Tatu City) – Km 12+800 (Kiu River); **40m Corridor extent** ○ Km 12+800 (Kiu River) – Km 14+500 (Kirigiti); **60m Corridor extent** The road then narrows towards Kiambu. Members were informed that marker posts had been erected from Ruiru to Kiambu with the exception of the affected section. Survey maps (RIMs Ndumberi/Riabai Sheet 12&9 and Survey Plan FR No. 9/69) acquired from 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.	
4.0	**Deliberations**	
4.1	Following the above-mentioned findings, the members reacted with the following summarized concerns; ➢ Exact width of the road reserve as measurement in the survey map were in feet as opposed to meters. ➢ Members differed with the extent of 60m as they alluded that they had sourced	Members

	for surveyors when demarcating their land. They wondered 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 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.	
4.2	The KeNHA team responded to the raised concerns as highlighted below; ➢ 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 due to the economic importance of the area 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 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 originate form the same survey maps. Therefore, all surveyors should use the current survey maps from Surveyor of kenya during demarcation of the road and land and thus they should not vary.	KeNHA
4.3	The Deputy County Commissioner pointed out that there was need collaboration between KeNHA, County planners and Survey of Kenya for confirmation of the road extent and land/plot boundaries.	DCC
5.0	Way Forward It was agreed that a taskforce committee be formed with the mandate of establishing	Taskforce

	the exact road extent. This shall be done by confirmation of the survey maps from Survey of Kenya and old maps which were to be provided by the residents.	Committee
6.0 6.1	**Conclusion** All stakeholders exhibited goodwill towards the taskforce's undertakings and assured their support throughout the process. The Chair appreciated all the stakeholders for availing themselves for the meeting and their cooperation. The area MCA thanked the members for sparing time to attend the meeting and advised the taskforce that and road improvement works should involve the locals.	Info
7.0	**Adjournment** The meeting was adjourned at 2:00pm and the proposed next meeting was scheduled to take place in a month's time.	Info

.....

Mr. Victor Macharia – DCC Kiambu

CHAIRPERSON

.....

Eng. Rinah Chikamai

SECRETARY

Snr. Surv.

Kenya National Highways Authority
Quality Highways, Better Connections

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.	Kipkemoi Rono	KeNHA	Snr. Surveyor	0707 889469	k.rono@kenha.co.ke	
2.	Regina T. Mwangi	KeNHA	Supt. Roads	0726 115498	r.mwangi@kenha.co.ke	
3.	Mwangi Grace	KeNHA	Asst. Surv	0704 92 32 34	—	
4.	PETER NJUNGA	KeNHA	A.E	0720 044097	mpgarwang@gmail.com	
5.	ACHUTI S.O.	KeNHA	ROD	0729 903025	Shoke@gmail.com	
6.	David Sang	KeNHA	A. Surveyor	0720 383406	d.sang@kenha.co.ke	
7.	James Muriithi	KeNHA	Surveyor Asst	0721 783932	Mwaniji.js@gmail.com	
8.	Boniface Kimunya Mwai			0721 527928	bonimwai@gmail.com	
9.	FRANCIS IRONJO KINYANJUI			0712 209763		
10.	Lolise Wanjiru Kariuki			0707 369599		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNA
11.	David Otuoma	KeNHA	AICTO	0776770323	—	
12.	Joseph Ikinya	SPC CPTEP	DIVISION	0726594919		
13.	Stanley Gikwa	Asst Chief	Interior	0727427738		
14.	NANCY WAIHIRU CHIEF			0768157696		
15.	D.K. Ranchhaba			0724-034082		
16.	Salome Hdiko			0707224492		
17.	Benard Kimani			0717398847		
18.	John Mungai			0[illegible]62		
19.	Wambugu Gachugu			0707196669		
20.	LAWRENCE MUIRURI			0713772362		
21.	SAMUEL KARANJA			0725494505		
22.	Peter Kinyanjui			0723780675		
23.	Stephen K. Muchui			0722527031		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATUR
24.	MUGWNA COSMAS			0792096451		
25.	Edwin Mower			0727750140		
26.	ANTONY NJUGUNA			072775040		
27.						
28.	Jane Muchoki			0721588530		
29.	Hawa Wanjiku Mungai			071326403		
30.	Jane Gathoni			0731596261		
31.	Stephen Muiruri			0712699516		
32.	ELIJAH GITAU KIMUNYA			0726066329		
33.	ALEX MWAITA					
34.	EVANS ADUNGO			0790123756		
35.	PETER KIMANI			0757241066		
36.	Mary KANYI			0724690660		
				0722680039		Mary

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIG
37.	Hellen Wanjiru			0725584713		
38.	Joseph Wangare			0717554741		
39.	Samuel Mwaura			0722910361		
40.	Washington Kariuki			0723427457		
41.	[illegible]			0721488948		
42.	Michael Mburu			0795283164		
43.	Winnie Njeri			0728898669		
44.	Francis Kiarie			0725 3543		
45.	Anastasia Syokau			0723803266		
46.	Peter Kanguru			0725965243		
47.	Mercy S. Mwatwa			0722253816		
48.	PETER KARIUKI MIERU			0703898801		
49.	TERESIA NDUTA			0726908803		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
50.	Bacha K Nganga			0795 - 029498		
51.	Charles M Muiruri			0705334056		Charles
52.	Peter Wekolonga			0727707126		/
53.	Augostino Ngaruiya			0707187200		
54.	Absolom Maina	Kiambu County	Roads Supt	0727385066		
55.	FLORENCE MUEKE			07+399210+0		
56.	Magdalene Kioko			0759136035		
57.	Andrew Ndwati	KIAMBU COUNTY	AG. DIRECTOR	0727870772		
58.	Fidelis Wangai	"		0707470708		FW
59.	PETER KIBURU	"	"	0721597082		
60.	Thomas Kimani			0719299712		
61.	Susan Mbatia			0727115805		
62.	Hanna Njeri			0715119040		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
63.	Hon Hezron Gachuhi	County	MCA	0722939099	hezronmagaaki@gmail	
64.	George Nganga			0727988167		
65.	Bonface Kiatiri			0716279026		
66.	Susan Iroya			0725455141		
67.	Lawrence Mwaura	County	MCA	0722553830	Mwauranapoleon@gmail.com	
68.	Paul Kirori			0721457728	Paul Kiroi 4r@yahoo.co	
69.	Kenneth Kimunya			0722526 76	ken28kk@gmail.com	
70.	Teresia N. Ngugi			0721582232		
71.	Washington Iranjo			0700428906		
72.	Stephen Komay			0724426 00		
73.	Anthony Nguyi			0722447246		
74.	Grace Nyambura.			0720634231		
75.	JOHN WAWERU			0726227025		

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
89.	Robert Waititu			0704085845		
90.	Samson Ndwanda			0722504765		
91.						
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99.						
100.						
101.						

S/ No.	NAME	ORGANIZATION	DESIGNATION	PHONE NUMBER	EMAIL ADDRESS	SIGNATURE
76.	Arurasia Wambui			0722861845.		
77.	Regina Wambui			—		
78.	Sarah Mumbi			0725059003		
79.	Teresia Wambui			072.233729		
80.	Joyce Wanjiru			0797885216		
81.	Johason Wawaru			0723919184		
82.	Josphat Karanja.			0722576066		
83.	James Nyoroge.			0721799998		
84.	Peter Kimani			0724690060		
85.	Susan Iraya.			0725455141		
86.	Samuel Kiringu			0722779459.		
87.	James Nyoroge			0721771303		
88.	Thomas Kimani N.			0799483367		

2ND JULY 2025

NO.	NAME	CONTACT	WARD
1	PETER KIARIE	0721597082	RIABAI
2	JAMES NDUNGE	0721771503	RIABAI
3	TOMAS KIMANI	0789483367	RIABAI
4	BONIFACE KIMUNYA MWOI	0721527928	"
5	SAMUEL MWAURA MBUGUA	0722910361	"
6	KIBUKIA NJAWERU	0704 174 250	"
7	ROBERT WAITITU	0704095245	"
8	PAUL NJAU KIRORI	0721457728	"
9	STEPHEN KAMAU IRONJO	0724443600	"
10	PETER KINYANGUI	0723780675	"
11	Washington Kariuki Kiuruni	0723427457	"
12	Benard Mburu Kimani	0717395847	Riabai
13	SAMUEL KARANJA	0725494505	"
14	D.K MUCHAIBA	0724034087	"
15	Susan Iraya	0725455141	"
16	ANN N'GUGI	0729717870	"
17	MARY NJONGE	0722680039	"
18	HANNAH RUGURU	0723836547	"
19	JOYCE WANJIRU	0723210482	"
20	HANNAH WANGUI	0713262403	"

2ND JULY 2025

NO.	NAME	CONTACT	WARD
21	JANE WACHIRA	0726677328	Kiboi
22	~~JOSHUA WAWERU~~	~~0725752542~~	~~Kiboi~~
23			
24			
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Kenya National Highways Authority
Quality Highways Better Connections
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 : 2ND JULY, 2025 AT 11:00 AM AT KIAMBU C.C.S OFFICE

MEMBERS PRESENT

1. Kiambu Assistant County Commissioner
2. Chief Kirigiti Location
3. KeNHA Nairobi Region Representatives
4. Kiambu District Surveyor Representative
5. Kiambu Member of Parliament Representatives
6. Kiambu Water and Sewerage Company Representative
7. Gitei Village Residents Committee

MEMBERS ABSENT WITH APOLOGY

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No.
RECEIVED

MEMBERS ABSENT WITHOUT APOLOGY

AGENDA

1. Opening prayer and introductions
2. Review of minutes of previous meeting
3. Matter arising
4. Brief and Presentation of Road Reserve Boundary
5. Deliberations
6. Way Forward
7. Conclusion
8. Adjournment

1.0	**Introduction**	
1.1	Members assembled at the Kiambu DCC's office, Conference Hall at 11:00 am, and the meeting commenced with a word of Prayer from Pastor Mwaura. The area chief, Mr. John Njenga, welcomed all the members to 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 a need to find a solution for the road reserve boundary dispute at Gitei Village along Ruiru-Tatu City-Kiambu Road.	Info
1.2	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; however, there was resistance by the residents who stopped the installation until the boundary dispute was amicably resolved.	

	meeting held on 12th May 2025 at the Kenton Hotel. The minutes were proposed by Pastor Mwaura (Gitei Residents Committee Member) and seconded by Mr. Kipkemoi Rono, KeNHA. **Matters Arising from the Minutes**	
2.2	➢ Gitei residents committee members noted that the previous minutes had highlighted that the residents demolished some markers, a statement they indicated was not true. They had peacefully stopped the exercise from progressing. They requested that the statement be retracted from the minutes.	
2.3	➢ Road marking on the recently installed humps had not been done despite the contractor promising in the previous meeting.	
2.4	➢ Some members inquired why AOBs were not part of the meeting. The members were informed that KeNHA is ISO Certified and that AOBs are no longer added to the minutes. The meeting should only handle issues raised in the adopted Agenda.	
3.0	**Opening Remarks** The leaders made their opening remarks as highlighted below;	
3.1	➢ The Area chief, Mr. Njenga, appreciated the members for availing themselves to the follow-up meeting on the issue of road reserve between Kiu River and Kirigiti, Km 12+800 – Km 14+500 RHS. He encouraged the members to approach the issue objectively and peacefully. He commended KeNHA for taking the issue with utmost seriousness and involving all the stakeholders. ➢ Mr. Kipkemoi Rono, KeNHA Regional Surveyor, briefed the meeting on the issues handled in the previous meeting. He maintained that, as per the land records available at the Ministry of Lands, Survey of Kenya, the road reserve extent is 60m. The records, R.I.M. maps Ndumberi/Riabai/Sheet 9 and 12 (Published in 1959) and Survey Plan FR No. 9/69 (Authenticated in 1914) provided a reserve of 60m. ➢ He also highlighted that the KeNHA management had considered the social	

	persons to relocate their properties. ➢ The Gitei Village Residents Committee was asked to consider the idea.	
4.0	**Deliberations**	
4.1	Following the above-mentioned findings and statements, the members reacted with the following summarized concerns; ➢ The Gitei Village Residents Committee maintained that the road reserve corridor was 40m. they insisted that the 60m road reserve will encroach on their properties by 20m. ➢ The Gitei Village Residents Committee member recalled a court case in 1984, where the then District Surveyor was ordered by the court to place a beacon to demarcate their land. The district surveyor marked where it indicates that the road reserve is 40m. ➢ The land parcels, Ndumberi/Riabai/125 & 14, have title deeds, but Kiambu Water and Sewerage Company (KIWASCO) took a 30m riparian reserve. The highway's 60m road reserve has left the holders of the title deed with/reduced land area. Ndumberi/Riabai/14 has no land left after the road reserve and riparian strip were marked. ➢ A letter dated 19th June 2004 from the Ministry of Roads, during the construction of the road to Black top, the roads surveyor at 40m, and the residents were relocated. The road was Class C then. The road construction drawing indicated that the road reserve is 40m.	Members
4.2	➢ Additionally, the contractor issued them with a Kenya Gazette notice, Vol. CV – No. 59 of 6th June,2003 (GN No. 3632). The Gazette highlighted that the desirable road reserve width for Class C is 40m. ➢ The resident claimed they have buried some of their deceased relatives on the section that KeNHA is claiming is part of the road reserve. ➢ The road from Kirigiti Roundabout to Kwa Muchamba (one of the affected residents) is 40m, and should therefore be 40m to Kiu River. The resident drew this conclusion from RIM Ndumberi/Riabai/sheet 12.	KeNHA

	➢ Mr. Kipkemoi Rono, KeNHA Regional Surveyor, maintained that KeNHA referred to the RIMs Ndumberi/Riabai Sheet 12 & 9 Survey plan FR/NO. 9/69 to demarcate the road. ➢ The road reserve, as per the land records above, is 60m. ➢ The road reserve has been 60m since 1914. Survey plan FR No. 9/69 was authenticated in the year 1914. ➢ KeNHA Regional Surveyor inquired if the Gitei residents committee whether they had consulted any surveyor for an opinion on the road reserve extent. ➢ KeNHA responded that the Kenya Gazette notice Vol. CV – No. 59 of 6th June,2003 (GN No. 3632) highlighted, for general information, that the desirable road reserve widths for Class C roads are 40m. The GN finally directs that the actual road reserve extent can be obtained from the P/DWO offices. ➢ The letter, dated 19th June 2004, from the Ministry of Roads. referred to the construction drawings, with a right-of-way of 40m.	
4.3	➢ KeNHA Surveyor responded that the letter and Gazette Notice did not refer to any map. ➢ KeNHA informed the meeting that the road reserve from Kirigiti Roundabout to Kwa Muchamba is 20m in width and not 40m as earlier indicated by one of the affected persons. ➢ RIM Ndumberi/Riabai/sheet 12, after the junction between the road to kirigiti roundabout and 60m highway that runs behind Kiambu High school, does not show the LHS side road reserve boundary. This should not be used to assume the boundary to be 40m. KeNHA SURVEYOR informed the meeting that RIM Ndumberi/Riabai/sheet 12 has corner coordinates and can therefore be georeferenced. ➢ Additionally, Survey Plan FR No. 9/69 provides a reserve of 60m, and it can be georeferenced too. It also shows the LHS and RHS boundary of the road reserve. ➢ KeNHA implored the Gitei residents committee to consider all the maps	DCC

	➢ The district surveyor conquered with KeNHA surveyors on several instances. He informed the meeting that the issue had not reached their offices and, therefore, requested time to look into it carefully. ➢ However, he noted that the land parcels are measured from the Centerline of the river and, therefore, the riparian reserve is part of the title deed acreage. **Kiambu Water and Sewerage Company (KIMAWASCO)** ➢ KIMAWASCO explained that the riparian reserve is defined by the Water Resources Authority (WRA). Therefore, they were not in a position to make further comments.	
5.0	**Way Forward** The Taskforce set to have the meeting at the site and carry out necessary measurements to define the boundary.	Taskforce Committee
6.0 6.1	**Conclusion** **It was concluded that for the issue to be resolved, a joint field survey should be carried out between KENHA, Gitei residents, and the District Surveyor.**	Info
7.0	**Adjournment** The meeting was adjourned at 2:00 pm, and the proposed next field exercise meeting was scheduled to take place in a month.	Info

.....

Mr. Titus Macharia – DCC Kiambu

CHAIRPERSON

.....

Eng. Rinah Chikamai

SECRETARY



THE KENYA GAZETTE

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CONTENTS

GAZETTE NOTICES

	PAGE
The Constitution of Kenya—Appointment of Judges of Appeal, etc.	1234
The Ministry of Roads, Public Works and Housing—Encroachment on Classified Road Reserves	1234
The National Assembly and Presidential Elections Act—Declaration of Vacancy—Yatta	1234
The Magistrates' Courts Act—Increase of Limit of Jurisdiction	1234–1235
The Registration of Titles Act—Registration of Instrument	1235
The Registered Land Act—Issue of New Certificates of Lease, etc.	1235–1239
The Civil Aviation Act—Decisions of the Kenya Civil Aviation Authority on Applications for Air Service Licences	1239–1242
Probate and Administration	1242–1264

GAZETTE NOTICES—(*Contd.*)

	PAGE
Industrial Court Award	1265–1266
The Certified Public Secretaries Act—De-registration	1266
The Kenya Communications Act—Applications for Licences to Operate and Provide Postal/Courier Services	1266
The Co-operative Societies Act—Inquiry Order	1266–1267
The Physical Planning Act—Completion of Part Development Plan, etc.	1267
The Companies Act—Winding-up	1267
The Bankruptcy Act—Receiving Orders	1267
Local Government Notices	1268–1269
Disposal of Uncollected Goods	1269–1270
Loss of Policies	1270
Change of Names	1270

CORRIGENDA

IN Gazette Notice No. 1996 of 2003, *amend* the name "Everett Maraka Standa" to *read* "Everett Maraka Standa (Prof.)".

IN Gazette Notice No. 489 of 2002:

(*a*) Delete "Mrs." appearing after the name Jane Chokaa and insert "Ms.".

(*b*) Delete "Mwendwa" appearing in the name "T. Mwendwa Karani" and insert "Mwenda".

(*c*) Delete "2002" appearing in the third sentence under the item "Reporting and duration" and insert "of each year".

IN Gazette Notice No. 3361 of 2003, *amend* the name "Joseph Mutune Kamuua" to *read* "Joseph Mutune Kamoja" where it appears.

GAZETTE NOTICE NO. 3630

THE CONSTITUTION OF KENYA

APPOINTMENT OF JUDGES OF APPEAL

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Justice Erastus Mwaniki Githinji,
Justice Philip Nyamu Waki,

to be Judges of Appeal, with effect from 22nd May, 2003.

Dated the 22nd May, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 3631

THE CONSTITUTION OF KENYA

APPOINTMENT OF PUISNE JUDGES

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Hannah Magondi Okwengu (Mrs.),
Joyce Nuku Khaminwa (Mrs.),
Leonard Njagi,
Onesimus Kimweli Mutungi (Prof.),
Benjamin Patrick Kubo,
George Benedict Maina Kariuki,
Mohammed Khadhar Ibrahim,
Martha Karambu Koome (Mrs.),

to be Puisne Judges, with effect from 22nd May, 2003.

Dated the 22nd May, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 3632

THE MINISTRY OF ROADS, PUBLIC WORKS AND HOUSING

ENCROACHMENT ON CLASSIFIED ROAD RESERVES

Notwithstanding any other action which the Minister may decide to take in accordance with the above Act, any person, institution or company found to have interfered with any road reserve shall be liable for prosecution.

Pursuant to the requirements of the Traffic Act, the public is notified that all illegal structures already existing on the road reserves should be removed therefrom within thirty (30) days of this notice.

Failure to comply with this notice shall result in the demolition of such illegal structures, accesses or developments, the cost of which shall be borne entirely by the person, institution or company responsible for the encroachment.

Before any development is undertaken including construction of any access to/from the road reserves, prior approval should be sought from the Chief Engineer (Roads), Ministry of Roads, Public Works and Housing, P.O. Box 30260, Nairobi.

For purposes of general information, the desirable road reserve widths are as follows: Class "A" and "B" = 60m.; class "C" = 40m.; class "D" = 25m. and class "E" 20m. The locations, names and actual extents of the classified roads including their reserves can be obtained from the respective Provincial/District Works offices for information.

Dated the 4th June, 2003.

R. A. ODINGA,
Minister for Roads, Public Works and Housing.

GAZETTE NOTICE NO. 3633

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(*Cap.* 7)

DECLARATION OF VACANCY—YATTA

PURSUANT to the provisions of section 18 of the National Assembly and Presidential Elections Act, the Speaker of the National Assembly, gives notice that consequent upon the death of—

JAMES PHILIP MUTISO

the seat formerly held by the said member has become vacant.

Dated the 4th June, 2003.

F. K. OLE KAPARO,
Speaker of the National Assembly.

GAZETTE NOTICE NO. 3634

THE MAGISTRATES' COURTS ACT

(*Cap.* 10)

INCREASE OF LIMIT OF JURISDICTION

IN EXERCISE of the powers conferred by section 5 (1) of the Magistrates' Courts Act, the Chief Justice increases the limit of jurisdiction of—

CLYNE V. ODEMBO

a Resident Magistrate at Githunguri, to Kenya shillings five hundred thousand (KSh. 500,000), with effect from 1st June, 2003.

Dated the 28th May, 2003.

J. E. GICHERU,
Chief Justice.

GAZETTE NOTICE NO. 3635

THE MAGISTRATES' COURTS ACT

(*Cap.* 10)

INCREASE OF LIMIT OF JURISDICTION

MINISTRY OF ROADS, PUBLIC WORKS & HOUSING

Telephone Kiambu 20764
If calling or telephoning please ask for

When replying please quote

Ref No: KBU.21/RI/56/VOL 2/183

DISTRICT WORKS OFFICER
KIAMBU DISTRICT
P.O. BOX 700
KIAMBU

19th January 2004

P. Philip K. Muchiaba
P.O. Box 996
KIAMBU

RE: ENCROACHMENT ON ROAD RESERVE
ROAD C63 KIAMBU – RUIRU

Your letter dated 29th September 2003 refers.

Records held in our office shows that Kiambu Ruiru road falls under class C of the roads category. Construction drawings of the same road also gives a corridor of 40 metres.

You are hereby referred to the Kenya Gazette of 6th June 2003 and advised that you comply with the instructions laid down there in. A copy of the same is hereby attached for ease of reference.

Engr. E. N. Waithaka
District Works Officer
KIAMBU

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDUMBERI/RIABAI/14

Approximate Area 0.05 Acres

Registry Map Sheet No. 9

This is to certify that LOISE WANJIRU KARIUKI ID/12940544

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

GIVEN under my hand and the seal of the

KIAMBU District Land Registry

this 21st day of FEBRUARY 20 11

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1	PART A—PROPERTY SECTION	
OPENED: 3.6.58		

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
LUMBWA/KIBAI		
PARCEL NUMBER		
14		
APPROXIMATE AREA		ABSOLUTE
0.05 Acres Ha.		
REGISTRY MAP SHEET No.		
9		

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
12	21.2.2011	LOISE WANJIRU KARIUKI			
13	21.2.2011	TITLE DEED		ISSUED	Pd.

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar
			Nil	
1.	26.5.2021	CHARGES TO	K-UNITY SAVINGS AND CREDIT CO-OP SOCIETY TO SECURE KSH. 1,600,000. RIGHTS UNDER SEC 30 OF THE REGISTERED	
2.	26.5.2021	DISCHARGE OF ENTRY 1 ABOVE.		

Land Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

MLS/TD/02/A2/02

A IN⁰ 403819

GPK 7471—100m—9/2010

NATIONAL LAND COMMISSION
Office of the Commission Secretary/
Chief Executive Officer

National Land Commission, 316 Upperhill Chambers, 2nd Ngong Avenue, off Ngong Road
P.O. Box 44417 – 00100, *Nairobi-KENYA*, Tel: 0111042800, Email: info@landcommission.go.ke
Website: www.landcommission.go.ke

REF: NLC/PPC/LAM/8008/2026(05)2 **2nd June, 2026**

Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings,
P.O. Box 41842-00100
NAIROBI

Dear Samuel,

RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE

We refer to the invitation by the Office of the Clerk of the National Assembly Ref. **NA/DAA&GPC/PPC/2026/091** dated **26th May 2026** and your earlier invitation **ref: NA/DAA&GPC/PPC/2026/083** dated **11th May, 2026** on the Commission's appearance before the Public Petitions Committee to respond to three (3) Petitions namely:

1. **Public Petition No. 59 of 2023 regarding the Settlement of Ontulili Mount Kenya Forest Squatters;**
2. **Public Petition No. 18 of 2025 regarding Road Reserve Boundaries and Protection of Ancestral Land by Residents of Gitei Village, Kiambu County;**
3. **Public Petition No. 5 of 2024 regarding the Illegal Acquisition of Parcels of Land known as Kapkagaron Farm LR. NO. 5423/2 and LR. NO. 6053 in Nandi Hills Sub-County;**

Attached here-in are the Commission's submissions to the above petitions for the Committee's consideration.

Yours Sincerely

Kabale Tache Arero, MBS
SECRETARY/CEO

KCW/SSO

Copy To: NLC CHAIRMAN

ENCL



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

SUBMISSIONS TO THE PUBLIC PETITIONS COMMITTEE TO ADDRESS THE KEY ISSUES RAISED AND PRAYERS SOUGHT IN PETITIONS NOS. 59 OF 2023,18 OF 2025 & 5 OF 2024

By:
KABALE TACHE ARERO, MBS
COMMISSION SECRETARY/CEO

TUESDAY, 2ND JUNE, 2026

NATIONAL LAND COMMISSION

Honourable Chair and Honourable Members of the Committee, the Clerk of the National Assembly vide letter Ref. NA/DAA&GPC/PPC/2026/091 dated 26th May, 2026, invited the Commission Secretary/CEO of the National Land Commission to appear before this Committee to make submissions on three (3) Petitions, namely:

1) **Public Petition No. 59 of 2023 regarding the Settlement of Ontulili Mount Kenya Forest Squatters;**
2) **Public Petition No. 18 of 2025 regarding Road Reserve Boundaries and Protection of Ancestral Land by Residents of Gitei Village, Kiambu County;**
3) **Public Petition No. 5 of 2024 regarding the Illegal Acquisition of Parcels of Land known as Kapkagaron Farm LR. NO. 5423/2 and LR. NO. 6053 in Nandi Hills Sub-County;**

1) **Public Petition No. 59 of 2023 regarding the Settlement of Ontulili Mount Kenya Forest Squatters;**

Honourable Chairperson, with respect to Public Petition No. 59 of 2023 regarding the Settlement of Ontulili Mount Kenya Forest Squatters, the Committee requested the Commission to furnish further clarification and responses on the following key issues:

i) Record of proceedings and documentation relied upon in your determination of the matter, dated 5th July, 2022;

ii) Difference between the determination dated 7th February, 2019 and that of 5th July, 2022, of which in the former, the NLC recommended that "...the Chief Lands Registrar reverts the land back to the claimants. Alternatively, the Respondent should give the claimants alternative land of equal size and value", whilst in the latter, "the 1st respondent shall contribute 25% of costs of the resettlement." You will note that the letter ref. NLC/NA/PPC/HLI/025/2017/19/11/2025(1) dated 18th November 2025 submitted that the Commission did not depart from its earlier ruling;

iii) Legal notices nos. 68 of 1975 and 107 of 1977 excising the land from Mt. Kenya Forest, their basis, and eventual acquisition by the Angaine family;

iv) Evidence of 'purchase' and ownership of the land in question by the Angaine family; and

v) Rationale of the recommendation no. (d) directing the estate to contribute 25% of the costs of resettlement of identified claimants, against the observation no. 148 that the claimants endured a violation of right in land, and no. 159 that the claimants demonstrated violation of their right to land.

PETITIONERS' CLAIM

The petitioners, Messrs. Patrick Muriuki and Robert Wanjau, acting on behalf of various individuals who are squatters residing at Ontulili on the slopes of Mount Kenya, raise concerns regarding the status of forest excisions undertaken at the Ontulili Forest Station Block of Mount Kenya. They state that, pursuant to **Legal Notice No. 68 of 1975** and **Legal Notice No. 107 of 1977**, a total of approximately **384.1 hectares (L.R. No. 13269)** and **546.2 hectares (L.R. No. 12234)** respectively were excised from the forest specifically for purposes of resettling landless squatters living in Ontulili Forest Village.

The petitioners explain that under the historical *Shamba* (Taungya) system, their parents worked for the Forest Department at Ontulili Forest Reserve and were allocated one-hectare plots for subsistence farming while supporting conservation efforts. They aver that in 1970, the Ontulili residents organized themselves as *Ontulili Mount Kenya Squatters*, prepared a memorandum seeking land for settlement, and subsequently hosted visits by the then Minister for Natural

Resources and the then Minister for Lands and Settlement, who toured Ontulili Forest Station to identify land for their resettlement. This led to the excisions of 1975 and 1977.

The petitioners further claim that, contrary to the original intention to settle the squatters, the excised parcels were instead acquired and allocated to the then Minister for Lands and Settlement, Hon. J. H. Angaine, who allegedly settled himself, his farm workers and their families on the land. They state that, despite assurances by the then President H.E. Daniel Toroitich Arap Moi following a petition in 1984, the squatters were forcefully and violently evicted from the forest reserve in 1989 and have remained landless since.

They indicate that the matter was referred to the National Land Commission as an Historical Land Injustice under **NLC/HLI/025/2017**, following recommendations of the National Assembly's Departmental Committee on Lands in 2018. The Commission initially recommended that the **Chief Land Registrar revert the land to the claimants**, or in the alternative, that the family of Hon. Angaine provide land of equal size and value, with registration to be done in the squatters' names with the support of the Director of Land Adjudication and the Director of Survey. The petitioners note that this decision, delivered on 7th February 2019 and gazetted on 1st March 2019, was challenged in **ELC/JR/5/2019**, leading to consolidation of related suits and a High Court order of 7th July 2021 directing the National Land Commission to hear the dispute afresh.

They further state that, upon rehearing, the Commission issued a fresh determination recommending that the **Ministry of Interior and Coordination of National Government** identify and profile claimants who have not benefitted from any settlement programme; that the **Land Settlement Fund Board of Trustees** acquire land to resettle them; and that the **Estate of Jackson H. Angaine** contribute **25% of the resettlement costs**. The petitioners contend that this new position departs from the earlier NLC determination which had recommended reversion of the land or provision of equivalent alternative land directly to the squatters.

BACKGROUND

Honourable Chair & Committee Members, the Commission wishes to make reference to its earlier submission ***Ref. NLC/NA/PPC/HLI/025/2017/19/11/2025(1) dated 18th November, 2025 (Annexure 1).***

In our previous submission, the Commission observed that, the Ontulili squatters filed a Historical Land Injustice (HLI) claim before the National Land Commission in 2017. The Commission admitted and investigated the claim in line with Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act. The claimants asserted that their families lived and worked within Ontulili Forest

under the Taungya (Shamba) System, and that forest excisions undertaken in 1975 and 1977 were meant for their resettlement. They further alleged that Hon. J. H. Angaine irregularly allocated the excised land to himself and his associates, contrary to Government intention.

The respondents, the estate of Hon. Angaine, argued that the parcels were lawfully acquired through payment of consideration, and that subsequent subdivisions and transfers were legitimate and supported by Government approvals.

Upon receipt of the Historical Land Injustice claim in 2017, the Commission conducted full proceedings. After hearing all parties, the Commission issued a determination on 7th February 2019, which was later published under Gazette Notice No. 1995 of 1st March 2019.

In that determination, the Commission found that the land in question had been excised for purposes of settling the squatters and therefore allowed the claim, recommending that the Chief Land Registrar reverts the land to the squatters. In the alternative, the Commission recommended that the estate of the late Hon. J. H. Angaine provides land of equal size and value to the claimants, and that the Director of Land Adjudication and the Director of Survey facilitate registration and settlement of the squatters.

The estate of the late Hon. Angaine challenged this decision in ***Meru ELC/JR Misc. Civil Application No. 5 of 2019 (Annexure 2).*** On **7th July 2021**, the High Court issued orders directing the National Land Commission to hear the matter afresh within twelve months, with full participation of all affected parties and report back to the court after finalizing the claim. The Court further stayed the 2019 determination and Gazette Notice pending the outcome of the rehearing, and ordered that once a fresh determination was issued, the earlier one would cease to have effect. The Commission was therefore legally bound to reconsider the matter and could not implement its 2019 recommendations during the pendency of the stay.

In full compliance with the Court's orders, the Commission reopened the proceedings and admitted additional claimant groups and interested parties, including Mt. Kenya Squatters Group, Kiambogo Ontulili Farmers, Flamingo Horticulture Kenya Limited, Everest Enterprises Limited, Colour Crops Limited, and the Kenya Tea Development Agency. After taking evidence from all parties, the Commission concluded the rehearing and issued a fresh ***NLC Determination (Annexure 3)*** on **5th July 2022** which was adopted by the court as a judgment of the court

In that 2022 determination, the Commission recommended that the Ministry of Interior and Coordination of National Government identify and profile genuine squatters and that the Ministry of Lands and Physical Planning verify the profiled individuals, particularly those who had not benefitted from prior settlement

programmes. The Commission further recommended that the Land Settlement Fund Board of Trustees (LSFBT) identifies and acquires appropriate land for the resettlement of the verified claimants. Importantly, the Commission directed that the estate of Hon. J. H. Angaine contributes twenty-five percent (25%) of the cost of the resettlement, reflecting the Commission's balanced consideration of the rights and obligations of all parties. This determination was duly filed before the High Court for adoption as required under the judgment in ***ELC/JR/5/2019.***

Honourable Chair, the Commission wishes to clarify that the 2022 determination does not constitute a departure from the Commission's earlier position. Rather, it was the direct result of a **judicial directive requiring a fresh hearing**, expanded participation and reconsideration of all issues, including the rights of third parties and the practical feasibility of reverting the original excised parcels.

The Commission strictly complied with the Environment and Land Court's instructions and discharged its statutory mandate by delivering the 2022 decision within the timelines set by the Court.

OUR RESPONSE

On question (i); "*Record of proceedings and documentation relied upon in your determination of the matter, dated 5th July, 2022;"*

Honourable Chair & Committee members, kindly find attached the full text of the ***HLI Determination NLC/HLI/025/2017(Annexure 3)***

On question (ii); *"Difference between your determination dated 7th February, 2019 and that of 5th July, 2022, of which in the former, the NLC recommended that "...the Chief Lands Registrar reverts the land back to the claimants. Alternatively, the Respondent should give the claimants alternative land of equal size and value", whilst in the latter, "the 1st respondent shall contribute 25% of costs of the resettlement." You will note that your letter ref. NLC/NA/PPC/HLI/025/ 2017/19/11/ 2025(1) dated 18th November 2025 submitted that the Commission did not depart from its earlier ruling;"*

Honourable Chair, the Commission wishes to clarify that the 2022 determination does not constitute a departure from the Commission's earlier position. Rather, it was the direct result of a judicial directive requiring a fresh hearing, expanded participation and reconsideration of all issues, including the rights of third parties and the practical feasibility of reverting the original excised parcels. –

On question (iii); "*Legal notices nos. 68 of 1975 and 107 of 1977 excising the land from Mt. Kenya Forest, their basis, and eventual acquisition by the Angaine family;"*

Honourable Chair, the Angaine Family contends that the two parcels of land were lawfully allocated to them by the President. However, the Commission found that the allocation process was irregular, as the President lacked the legal authority under Section 3 of the Government Lands Act (repealed) to allocate the said parcels.

The Commission further established that the allocation resulted in the displacement and discrimination of the landless claimants, thereby constituting a historical land injustice arising from the administrative practices prevailing at the time.***Annexure 4: Legal notices nos. 68 of 1975 and 107 of 1977 excising the land from Mt. Kenya Forest***

On question (iv); *Evidence of 'purchase' and ownership of the land in question by the Angaine family;*

Honourable Chair & Committee members, the Angaine family provided payment receipts, valuation reports and authority to allocate the two government land parcels.

Annexure 5: *Evidence of 'purchase' and ownership of the land in question by the Angaine family;*

On question (v) ; *Rationale of your recommendation no. (d) directing the estate to contribute 25% of the costs of resettlement of identified claimants, against your observation no. 148 that the claimants endured a violation of right in land, and no. 159 that the claimants demonstrated violation of their right to land.*

Honourable Chair, the rationale for allocating 25% of the land to the Angaine Family was informed by the Commission's finding that the late Hon. Jackson Angaine had irregularly allocated the land to himself, a process tainted by conflict of interest and undertaken at the expense of deserving landless Kenyans, who are the claimants in this matter.

However, the Commission also found that substantial portions of the land had subsequently been acquired by third parties, including multinational companies, which have made significant investments, created employment opportunities for thousands of Kenyans, contributed to Government revenue through taxes, and generated foreign exchange earnings for the country. The Commission therefore sought to balance the need to redress the historical land injustice suffered by the claimants while safeguarding legitimate third-party investments and the broader public interest.

Honourable Chair and Committee Members, I hereby submit.

2) **Public Petition No. 18 of 2025 regarding Road Reserve Boundaries and Protection of Ancestral Land by Residents of Gitei Village, Kiambu County;**

Honourable Chairperson, with respect to Public Petition No. 18 of 2025 regarding Road Reserve Boundaries and Protection of Ancestral Land by Residents of Gitei Village, Kiambu County, the Committee requested the Commission to respond to the matter by addressing the following key item:

"Your determination on authenticity and legality of documentation submitted by Kenya National Highways Authority (KeNHA) and ownership documents held by affected residents, as cited in your letter ref: NLC/NA/PPC/2026/03(1) dated 9th March 2026."

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. The residents 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.

BACKGROUND

Honourable Chair & Committee Members, Gitei Village is situated within Kirigiti Location, Rabai Ward, Kiambu County, along the Ruiru–Tatu City–Kiambu Road (classified as C115). This road falls under the mandate of the Kenya National Highways Authority (KeNHA). Notably, there is an ongoing dispute between KeNHA and the local landowners in Gitei Village, specifically those whose properties border the road.

Originally, the road reserve width was planned and surveyed at 60 meters, as clearly delineated on Survey Plan F/R No. 9/69, which was surveyed and authenticated in 1915 ***(Annexure 6).*** A subsequent survey conducted in 1959 was recorded on Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9. An analysis shows that these 1959 RIMs align perfectly with the original 1915 survey.

Later, on 6th June, 2003, the Ministry of Roads and Public Works published Gazette Notice No. 3632 (Vol. CV, No. 59) ***(Annexure 7),*** which states that the desirable road reserve for Class C roads is 40 meters. However, this notice was general and did not specifically reference the C115 road. This is the specific gazette notice that the Gitei Village landowners are relying on to support their claim.

OUR RESPONSE

As a matter of law, a gazetted road reserve is strictly unavailable for allocation, excision, or private use. While Gazette Notice No. 3632 serves as a general advisory on the standard parameters for Class C roads, it cannot legally be used to excise portions of an already established public road. Any encroachment or excision upon a planned, reserved, and surveyed road constitutes an illegal overlap, rendering any such private claims not only highly irregular but fundamentally unlawful.

Any excision of any part of the planned, reserved and surveyed road is considered as an overlap on the road which is not only irregular but also illegal.

In accordance with official government survey records, the statutory width of the C115 road reserve remains 60 meters. The purported reduction of this road reserve from 60 meters to 40 meters based on Gazette Notice No. 3632 is legally untenable.

Honourable Chair and Committee Members, it is recommended that the current registry records be amended and re-aligned to conform with the original

road reserve width and boundaries as established and authenticated in the 1915 survey.

Honourable Chair and Committee Members, I hereby submit.

2.0	**Review of Previous Minutes**	Info
2.1	Mr. Kipkemoi Rono, KeNHA Regional Surveyor, read the minutes of the previous meeting held on 12th May 2025 at the Kenton Hotel. The minutes were proposed by Pastor Mwaura (Gitei Residents Committee Member) and seconded by Mr. Kipkemoi Rono, KeNHA. **Matters Arising from the Minutes**	
2.2	➢ Gitei residents committee members noted that the previous minutes had highlighted that the residents demolished some markers, a statement they indicated was not true. They had peacefully stopped the exercise from progressing. They requested that the statement be retracted from the minutes.	
2.3	➢ Road marking on the recently installed humps had not been done despite the contractor promising in the previous meeting.	
2.4	➢ Some members inquired why AOBs were not part of the meeting. The members were informed that KeNHA is ISO Certified and that AOBs are no longer added to the minutes. The meeting should only handle issues raised in the adopted Agenda.	
3.0	**Opening Remarks** The leaders made their opening remarks as highlighted below;	
3.1	➢ The Area chief, Mr. Njenga, appreciated the members for availing themselves to the follow-up meeting on the issue of road reserve between Kiu River and Kirigiti, Km 12+800 – Km 14+500 RHS. He encouraged the members to approach the issue objectively and peacefully. He commended KeNHA for taking the issue with utmost seriousness and involving all the stakeholders. ➢ Mr. Kipkemoi Rono, KeNHA Regional Surveyor, briefed the meeting on the issues handled in the previous meeting. He maintained that, as per the land records available at the Ministry of Lands, Survey of Kenya, the road reserve extent is 60m. The records, R.I.M. maps Ndumberi/Riabai/Sheet 9 and 12 (Published in 1959) and Survey Plan FR No. 9/69 (Authenticated in 1914) provided a reserve of 60m. ➢ He also highlighted that the KeNHA management had considered the social	

	crisis that would arise should the reserve be 60m. A proposal was mooted, based on this reasoning, that a 3-year notice be issued, officially, to affected persons to relocate their properties. ➢ The Gitei Village Residents Committee was asked to consider the idea.	
4.0	**Deliberations**	
4.1	Following the above-mentioned findings and statements, the members reacted with the following summarized concerns;	Members
	➢ The Gitei Village Residents Committee maintained that the road reserve corridor was 40m. they insisted that the 60m road reserve will encroach on their properties by 20m. ➢ The Gitei Village Residents Committee member recalled a court case in 1984, where the then District Surveyor was ordered by the court to place a beacon to demarcate their land. The district surveyor marked where it indicates that the road reserve is 40m. ➢ The land parcels, Ndumberi/Riabai/125 & 14, have title deeds, but Kiambu Water and Sewerage Company (KIWASCO) took a 30m riparian reserve. The highway's 60m road reserve has left the holders of the title deed with/reduced land area. Ndumberi/Riabai/14 has no land left after the road reserve and riparian strip were marked. ➢ A letter dated 19th June 2004 from the Ministry of Roads, during the construction of the road to Black top, the roads surveyor at 40m, and the residents were relocated. The road was Class C then. The road construction drawing indicated that the road reserve is 40m.	
4.2	➢ Additionally, the contractor issued them with a Kenya Gazette notice, Vol. CV – No. 59 of 6th June,2003 (GN No. 3632). The Gazette highlighted that the desirable road reserve width for Class C is 40m. ➢ The resident claimed they have buried some of their deceased relatives on the section that KeNHA is claiming is part of the road reserve. ➢ The road from Kirigiti Roundabout to Kwa Muchamba (one of the affected residents) is 40m, and should therefore be 40m to Kiu River. The resident drew this conclusion from RIM Ndumberi/Riabai/sheet 12.	KeNHA

	KeNHA ➢ Mr. Kipkemoi Rono, KeNHA Regional Surveyor, maintained that KeNHA referred to the RIMs Ndumberi/Riabai Sheet 12 & 9 Survey plan FR/NO. 9/69 to demarcate the road. ➢ The road reserve, as per the land records above, is 60m. ➢ The road reserve has been 60m since 1914. Survey plan FR No. 9/69 was authenticated in the year 1914. ➢ KeNHA Regional Surveyor inquired if the Gitei residents committee whether they had consulted any surveyor for an opinion on the road reserve extent. ➢ KeNHA responded that the Kenya Gazette notice Vol. CV – No. 59 of 6th June,2003 (GN No. 3632) highlighted, for general information, that the desirable road reserve widths for Class C roads are 40m. The GN finally directs that the actual road reserve extent can be obtained from the P/DWO offices. ➢ The letter, dated 19th June 2004, from the Ministry of Roads. referred to the construction drawings, with a right-of-way of 40m. ➢ KeNHA Surveyor responded that the letter and Gazette Notice did not refer to any map. ➢ KeNHA informed the meeting that the road reserve from Kirigiti Roundabout to Kwa Muchamba is 20m in width and not 40m as earlier indicated by one of the affected persons. ➢ RIM Ndumberi/Riabai/sheet 12, after the junction between the road to kirigiti roundabout and 60m highway that runs behind Kiambu High school, does not show the LHS side road reserve boundary. This should not be used to assume the boundary to be 40m. KeNHA SURVEYOR informed the meeting that RIM Ndumberi/Riabai/sheet 12 has corner coordinates and can therefore be georeferenced. ➢ Additionally, Survey Plan FR No. 9/69 provides a reserve of 60m, and it can be georeferenced too. It also shows the LHS and RHS boundary of the road reserve. ➢ KeNHA implored the Gitei residents committee to consider all the maps	
4.3		DCC

	available before drawing a conclusion. **District Surveyor** ➢ The district surveyor conquered with KeNHA surveyors on several instances. He informed the meeting that the issue had not reached their offices and, therefore, requested time to look into it carefully. ➢ However, he noted that the land parcels are measured from the Centerline of the river and, therefore, the riparian reserve is part of the title deed acreage. **Kiambu Water and Sewerage Company (KIMAWASCO)** ➢ KIMAWASCO explained that the riparian reserve is defined by the Water Resources Authority (WRA). Therefore, they were not in a position to make further comments.	
5.0	**Way Forward** The Taskforce set to have the meeting at the site and carry out necessary measurements to define the boundary.	Taskforce Committee
6.0 6.1	**Conclusion** **It was concluded that for the issue to be resolved, a joint field survey should be carried out between KENHA, Gitei residents, and the District Surveyor.**	Info
7.0	**Adjournment** The meeting was adjourned at 2:00 pm, and the proposed next field exercise meeting was scheduled to take place in a month.	Info

.....

Mr. Titus Macharia – DCC Kiambu

CHAIRPERSON

.....

Eng. Rinah Chikamai

SECRETARY



THE KENYA GAZETTE

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CONTENTS

GAZETTE NOTICES

	PAGE
The Constitution of Kenya—Appointment of Judges of Appeal, etc.	1234
The Ministry of Roads, Public Works and Housing—Encroachment on Classified Road Reserves	1234
The National Assembly and Presidential Elections Act—Declaration of Vacancy—Yatta	1234
The Magistrates' Courts Act—Increase of Limit of Jurisdiction	1234–1235
The Registration of Titles Act—Registration of Instrument	1235
The Registered Land Act—Issue of New Certificates of Lease, etc.	1235–1239
The Civil Aviation Act—Decisions of the Kenya Civil Aviation Authority on Applications for Air Service Licences	1239–1242
Probate and Administration	1242–1264

GAZETTE NOTICES—*(Contd.)*

	PAGE
Industrial Court Award	1265–1266
The Certified Public Secretaries Act—De-registration	1266
The Kenya Communications Act—Applications for Licences to Operate and Provide Postal/Courier Services	1266
The Co-operative Societies Act—Inquiry Order	1266–1267
The Physical Planning Act—Completion of Part Development Plan, etc.	1267
The Companies Act—Winding-up	1267
The Bankruptcy Act—Receiving Orders	1267
Local Government Notices	1268–1269
Disposal of Uncollected Goods	1269–1270
Loss of Policies	1270
Change of Names	1270

CORRIGENDA

IN Gazette Notice No. 1996 of 2003, *amend* the name "Everett Maraka Standa" to *read* "Everett Maraka Standa (Prof.)".

IN Gazette Notice No. 489 of 2002:

(*a*) Delete "Mrs." appearing after the name Jane Chokaa and insert "Ms.".

(*b*) Delete "Mwendwa" appearing in the name "T. Mwendwa Karani" and insert "Mwenda".

(*c*) Delete "2002" appearing in the third sentence under the item "Reporting and duration" and insert "of each year".

IN Gazette Notice No. 3361 of 2003, *amend* the name "Joseph Mutune Kamuua" to *read* "Joseph Mutune Kamoja" where it appears.

GAZEITE NOTICE NO. 3630

THE CONSTITUTION OF KENYA

APPOINTMENT OF JUDGES OF APPEAL

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Justice Erastus Mwaniki Githinji,
Justice Philip Nyamu Waki,

to be Judges of Appeal, with effect from 22nd May, 2003.

Dated the 22nd May, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 3631

THE CONSTITUTION OF KENYA

APPOINTMENT OF PUISNE JUDGES

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Hannah Magondi Okwengu (Mrs.),
Joyce Nuku Khaminwa (Mrs.),
Leonard Njagi,
Onesimus Kimweli Mutungi (Prof.),
Benjamin Patrick Kubo,
George Benedict Maina Kariuki,
Mohammed Khadhar Ibrahim,
Martha Karambu Koome (Mrs.),

to be Puisne Judges, with effect from 22nd May, 2003.

Dated the 22nd May, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 3632

THE MINISTRY OF ROADS, PUBLIC WORKS AND HOUSING

ENCROACHMENT ON CLASSIFIED ROAD RESERVES

Notwithstanding any other action which the Minister may decide to take in accordance with the above Act, any person, institution or company found to have interfered with any road reserve shall be liable for prosecution.

Pursuant to the requirements of the Traffic Act, the public is notified that all illegal structures already existing on the road reserves should be removed therefrom within thirty (30) days of this notice.

Failure to comply with this notice shall result in the demolition of such illegal structures, accesses or developments, the cost of which shall be borne entirely by the person, institution or company responsible for the encroachment.

Before any development is undertaken including construction of any access to/from the road reserves, prior approval should be sought from the Chief Engineer (Roads), Ministry of Roads, Public Works and Housing, P.O. Box 30260, Nairobi.

For purposes of general information, the desirable road reserve widths are as follows: Class "A" and "B" = 60m.; class "C" = 40m.; class "D" = 25m. and class "E" 20m. The locations, names and actual extents of the classified roads including their reserves can be obtained from the respective Provincial/District Works offices for information.

Dated the 4th June, 2003.

R. A. ODINGA,
Minister for Roads, Public Works and Housing.

GAZETTE NOTICE NO. 3633

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(*Cap.* 7)

DECLARATION OF VACANCY—YATTA

PURSUANT to the provisions of section 18 of the National Assembly and Presidential Elections Act, the Speaker of the National Assembly, gives notice that consequent upon the death of—

JAMES PHILIP MUTISO

the seat formerly held by the said member has become vacant.

Dated the 4th June, 2003.

F. K. OLE KAPARO,
Speaker of the National Assembly.

GAZETTE NOTICE NO. 3634

THE MAGISTRATES' COURTS ACT

(*Cap.* 10)

INCREASE OF LIMIT OF JURISDICTION

IN EXERCISE of the powers conferred by section 5 (1) of the Magistrates' Courts Act, the Chief Justice increases the limit of jurisdiction of—

CLYNE V. ODEMBO

a Resident Magistrate at Githunguri, to Kenya shillings five hundred thousand (KSh. 500,000), with effect from 1st June, 2003.

Dated the 28th May, 2003.

J. E. GICHERU,
Chief Justice.

GAZETTE NOTICE NO. 3635

THE MAGISTRATES' COURTS ACT

(*Cap.* 10)

INCREASE OF LIMIT OF JURISDICTION

MINISTRY OF ROADS, PUBLIC WORKS & HOUSING

Telephone Kiambu 20264
If calling or telephoning please ask for

When replying please quote

DISTRICT WORKS OFFICE
KIAMBU DISTRICT
P.O. BOX 700
KIAMBU

Ref.No. KBU.21/R1/56/VOL.2/183

19th January 2004

P. Philip K. Muchaba
P.O. Box 996
KIAMBU

RE: ENCROACHMENT ON ROAD RESERVE
ROAD C63 KIAMBU – RUIRU

Your letter dated 29th September 2003 refers.

Records held in our office shows that Kiambu Ruiru road falls under class C of the roads category. Construction drawings of the same road also gives a corridor of 40 metres.

You are hereby referred to the Kenya Gazette of 6th June 2003 and advised that you comply with the instructions laid down there in. A copy of the same is hereby attached for ease of reference.

Eng. E. N. Waithaka
District Works Officer
KIAMBU

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDUMBERI/RIABAI/14

Approximate Area 0.05 Acres

Registry Map Sheet No. 9

This is to certify that LOISE WANJIRU KARIUKI ID/12940[illegible]

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

GIVEN under my hand and the seal of the

KIAMBU District Land Registry

this 21st day of FEBRUARY 20 11

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1
OPENED: 3.6.59

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
DUMBERI/KIABAI		
PARCEL NUMBER		
14		
APPROXIMATE AREA		ABSOLUTE
0.05 Acre Ha.		
REGISTRY MAP SHEET No.		
9		

PART B—PROPRIETORSHIP SECTION

ENTRY No.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
12	21.2.2011	LOISE WANJIRU KARIUKI			
13	21.2.2011	TITLE DEED		ISSUED	

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar
			Nil	
1.	27.4.2016	CHARGE TO	K-UNITY SAVINGS AND CREDIT CO-OP SOCIETY TO SECURE KSH. 1,000,000. RIGHTS UNDER SEC 98 & 99 RESERVED	
2.	26.5.2021	DISCHARGE OF ENTRY 1 ABOVE.		

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

MLS/TD/02/A2/02

A IN° 403819

	NAME	ID. NUMBER	SIGNATURE
441			
442			
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444			
445	Pst ELIAS N MUTHUKU	28172487	
446			
447	Pst. HARRIS OWUOR	11869755	
448	Pst Evanson Mwasi	23718843	
449			
500			
501			
502			
503			
504	PST JOHN MULINGE	4866719	
505	Pst Rose Munyoki	21452137	
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510	Florence Kyalo	22295220	
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	NAME	ID. NUMBER	SIGNATURE
524	FRANCIS NJUKI	10396590	
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528	PATRICIAH	23397986	
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537	REV. JUMANNE	29619165	
538		23649930	
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Gitei Village Residents
Riabai Ward
Kirigiti Location
KIAMBU COUNTY

Please Deal 12/9/25 737 Head PRY Please Deal 12/9/25

To
The Clerk of the National Assembly
P.O. Box 41842
Main Parliament Buildings
NAIROBI - KENYA

NATIONAL ASSEMBLY
PETITIONS DESK
22 SEP 2025
SERIAL No. 737
RECEIVED

Dear Sir

RE: FORWARDING OF PETITION REGARDING KIAMBU-TATU-RUIRU ROAD RESERVE

We, the undersigned petitioners and concerned residents of the Gitei Village, hereby forward the attached petition in accordance with Article 37 and 119(1) of the Constitution of Kenya 2010 Public Petition to Parliament Procedure Act 2012 and the Standing Orders No. 223 of the National Assembly.

The petitioners raised critical concerns regarding the extent of the road reserve for Kiambu – Tatu -Ruiru road. These petitioners are calling upon the National Assembly to intervene in order to maintain fair grounds in respect for the rights and livelihoods of communities living along the road reserve.

Please find;

(a) A copy of the signed petition.

(b) A list of petitioners.

(c) Supporting documents and evidence where applicable.

We kindly requests that this petition be tabled before the House in consideration and appropriate action

Thank you for your attention to this matter. We remain available for any further clarification or engagement as may be required.

KIAMBU RUIRU ROAD BEING ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+800 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

We, the undersigned, draw the attention of the National Assembly to the above subject matter.

We acknowledge that we are citizens of Kenya and residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County., on behalf of and with the consent of all Gitei Village residents.

The Residents draws the attention of the house to the following.

1. The Survey Plan FR No. 9/69 (Authenticated in 1914).
2. The Kenya land demarcation of 1958.
3. The Kenya Gazette Notice Vol CV-No 59 dated 6th June, 2003.

c) The Ministry of Public Works reply Letter to Mr D.K. Muchaba, a residents of Gitei .Village dated 19th January, 2004.

d) The Riparian Land Act.

Gitei Village has ancestral lands that have been home to the local community for generations, the community has relied on sustainable practices to preserve the natural environment and ensure the well-being of future generations. However, the resent action by Kenya National Highway Authorities (KENHA) to elect new road beacons on the road, more specifically between km 12+800 (Kiu River) and KM 14+500 (Kirigiti), has undermined the rights of the Gitei Residents, leading to the following concerns;

a) **The Survey Plan FR No. 9/69 (Authenticated in 1914)**

THAT despite the promulgation of the new constitutional dispensation in 2010, KENHA has continued to act guided by maps and plans drawn way before Kenya got it independence, and which were drawn by the colonialists in 1914. In addition, the said 1914 road plans indicates that the road reserve is not uniform in that km 9+500 (tatu city) to km 12+800 (Kiu River) having 40 metres corridor extent, while our affected area km12+800 (Kiu River) to km 14+500 (Kirigiti) has a 60m corridor extent. This latter section is where the Gitei Village is located on the right-hand side of the road (coming from Ruiru town). All along, the residents have stayed and developed the area with clear minds knowing that the road reserve is 40m. The expansion of the road reserve to 60m boundary is allegedly based on 1914 road plans drawn during the colonial era map that

predates Kenya's independence and disregards subsequent legal developments and planning laws.

b) The Kenya land demarcation of 1958:

As stated herein, Gitei village, which holds approximately 10,000 people is primarily inhabited by small scale farmers and low-income earners. The area has catalyzed rapid transformation from a rural set-up to a budding commercial centre. Investors have continually developed the area having done due diligence on the pieces of land which stated that the road reserve ever since has been 40m. Additionally, residents have buried their Kins and loved ones on the said pieces of land. Extending the road reserve based on the 1914 map plans would bring severe damage to residents and the investors which will includes

(i) Exhuming all the buried bodies (which some were buried like 50 years ago),

(ii) Demolishing all the permanent and semi-permanent developments causing loss of business and other livelihood.

(iii) The loss accrued from the extension of the road is multi-generational, causing potential family disputes and constant fights. This is because as per the African customs, land is ancestral and that it is passed from one generation to another. Parents have continually subdivided these portions of land to their children having keeping in mind the 40m road reserve.

c) The Kenya Gazette Notice Vol CV-No 59 dated 6th June, 2003

Kiambu Ruiru Road has seen continuous upgrading from class D to C63.

Kenya Gazette Notice Vol CV No 59 dated 6th June 2003 gives class C63 roads a road reserve corridor of 40m. This has always been the case with the Kiambu Ruiru road. The contractors have always elected road beacons at 40m and this has given the residents enough strength to do developments without encroaching past that boundary. Since independence, there has never previously been any notification or clear marking of road reserves and Boundaries by KENHA at the affected area that showed the road reserve at 60m.

KIAMBU RUIRU ROAD B115'S ROAD RESERVE EXTENT OF 60 METRES BETWEEN KM 12+300 (KIU RIVER BRIDGE) TO KM 14+500 (KIRIGITI)

d) The Ministry of Public Works reply Letter to Mr D.K. Muchaba, a residents of Gitei Village dated 19th January, 2004

Mr Muchaba, a resident of Gitei Village had once written to the Ministry of Public works on 289th September, 2003 seeking to get guidance on the correct road reserve. The Ministry replied by acknowledging that the road reserve at the said area is 40m wide and directed Mr Muchaba to adhere to it. (*Copy attached*)

The decision by Kenha therefore contradicts that reply by basing their arguments based on a road map and plan of 1914.

e) The Riparian Land Act

Gitei village is served by Kiu-River as the main water source.

In 2019, WARMA through Kiambu Water and Sewarage drilled a sewerline on the portions of land of these residents. It is worth noting that the resident's lands were not compensated but were however notified that the sewerline is on the riparian land which is 30m from the river edge.

This therefor affected the Gitei residents in the following ways.

(i) The reductions of 30m downstream by WARMA and an addition 20m by KENHA will reduce the size of the residents' portions of land since WARMA had advised the residents that they can only plant indigenous trees on the area in order to preserve water resource.

(ii) As per the Riparian Act, activities like construction, cultivation and erection of permanent structures are prohibited within designated riparian zones.

(iii) Riparian land is considered public land and should not be allocated to individuals or entities.

(iv) Since Riparian Land is considered public land, it therefore means that residents cannot burry their deceased on the land.

Having said the above, we additionally acknowledge the following.

THAT residents possess genuine certificates of title, yet the authorities now claim part of these lands are riparian lands and have no control over it.

THAT residents pay land rates on the entire land, including the now claimed portions, yet receive neither compensation nor exemption from such payments.