

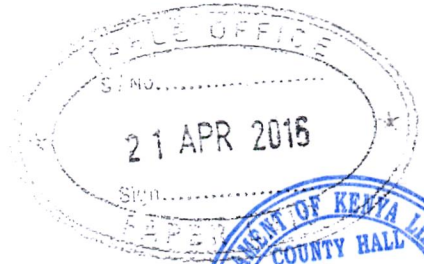


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REPUBLIC OF KENYA

ELEVENTH PARLIAMENT - FOURTH SESSION - 2016



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON LAND

REPORT ON NGATI FARMERS COOPERATIVE SOCIETY LAND DISPUTE

*Paper Laid
By Hon. A. Mwiru, MP
Chair, DC - Lands @
Thurs. April 21, 2016 (pm)
Mmm*

DIRECTORATE OF COMMITTEE SERVICES

APRIL, 2016

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

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1.0 PREFACE

1.1 The Member of Parliament for Naivasha Constituency, the Hon. John Kihagi, MP who is also a Member of the Committee presented his concerns regarding conflicts in land L.R. No. Narok/Maiella Estate/2662, Narok/Maiella Estate/1380 and Narok/Maiella Estate/8398/2 in Nakuru and tabled documents.

1.2 The Committee having carefully considered the matters presented before it resolved pursuant to provisions of Standing Order No. 216 (5) of the National Assembly to conduct an investigation and report to the House pursuant to Standing order 199 (6) of the National Assembly).

2.0 MANDATE OF THE COMMITTEE

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

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

the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments):

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

2.2 The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

2.1 OVERSIGHT

In executing its Mandate, The Committee oversees the following Government Departments, Namely:-

- a) The State Department for Lands
- b) The National Lands Commission

2.2 COMMITTEE COMPOSITION

2.2.1 The Departmental Committee on Lands was Constituted on 16th of May 2013 and its membership is as follows:-

1. The Hon. Alex Mwiru, M.P. - **Chairperson**

2. The Hon. Moses Ole Sakuda, M.P.
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Sarah Korere, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. George Oner, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Shakila Abdallah, M.P.
14. The Hon. Dr. Paul Otuoma, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Joseph Magwanga, M.P.
17. The Hon. Ali Shariff Athman, M.P.
18. The Hon. Francis Njenga, M.P.
19. The Hon. Hezron Awiti Bollo, M.P.
20. The Hon. Benard Bett, M.P.
21. The Hon. Esther Murugi, M.P.
22. The Hon. Oscar Sudi, M.P.
23. The Hon. Onesmus Ngunjiri, M.P.
24. The Hon. Julius Ndegwa, M.P.
25. The Hon. Patrick Kingola, M.P.
26. The Hon. Kanini Kega, M.P.
27. The Hon. Eusilah Ngeny, M.P.
28. The Hon. Lawrence Aburi, M.P.

- Vice Chairperson

2.2.2 A subcommittee of the Committee undertook a tour of the Ngatia Farm where the complainants are living which comprised the following Members: -

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

2.3 TASKS ACCOMPLISHED

The Committee proceeded to conduct the inquiry as follows:-

2.3.1 Held meetings with:-

- a) the Member who presented the inquiry request to the Committee;
- b) the State Department for Lands;
- c) reviewed various court cases concerning the matter;

2.3.2 An Inspection tour of Ngati farm.

2.4 RECOMMENDATIONS

1. The Ministry of Lands, Housing and Urban Development, Ministry of Interior and Coordination of National Government, Ministry of Industrialization and Enterprise Development, Ministry of Energy, Registrar of Societies and the Registrar of Cooperatives should within 100 days after the adoption of this report

form an inter-Ministerial taskforce to develop strategies to comprehensively address the land issue in Ng'ati;

2. The Criminal Investigations Department and the Ethics and Anti-Corruption Commission together with the state department in charge of co-operative should:
 - i. investigate the malpractices in Ng'ati Co-operative Society with a view to establishing the genuine and fictitious members of the society,
 - ii. Establish who was allocated the remaining 11,000 hectares which is unaccounted for, prosecute Government officials found culpable for transferring the unaccountable 11,000 hectares and ensure that the land in question is recovered by Government,
 - iii. Assist the rightful members of Ng'ati Co-operative Society to conduct the Annual General Meeting and prosecute fictitious members and their accomplices;
 - iv. Review all title deeds possessed by members of the society in-order to ascertain those which are genuine and advice the State Department for lands to cancel all forged title deeds and take disciplinary measures against its officials who issued the fraudulent title deeds;
3. The National Land Commission and the Criminal Investigations Department:-
 - a) investigate the status of 5000 hectares surrendered to the Government;
 - b) Investigate any form of historical injustices committed during the compensation and payment of Kshs 500 million by Messr. KenGen Ltd and the Ministry of Energy and Petroleum in order to establish if valuation of the land was done, the mode of payment and the amount that was paid and the institutions should also determine the people who were paid.

2.5 ADOPTION OF THE REPORT

2.5.1 We, the members of the Departmental Committee on Lands have pursuant to Standing Order no. 199 adopted this Report on land dispute between Kilifi Air charters and Kiwandani Residents as affirmed by the attached annex 1.

2.7 ACKNOWLEDGEMENT

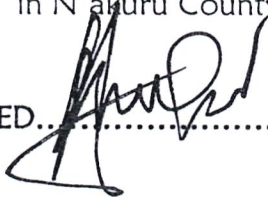
2.7.1 The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate.

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

2.7.3 The Committee is also grateful to all the witnesses/general public who made submissions and presentations before it during the fact - finding visit. Their Contributions gave the Committee insights into the issues under investigations and possible solutions.

2.7.4 Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this Report on Ngatia Farmers' Cooperative Society Land Dispute in Nakuru County.

SIGNED.....



DATE..... 20th April 2016

THE HON. ALEX M. MWIRU, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON LANDS

3.0 PREAMBLE

- 3.0.1 In 1964, Ng'ati Farmers' Co-operative Societies comprised of 581 members who bought 16,338 acres of land and subdivided it amongst its members.
- 3.0.2 There are three parcels of Land Nos. 2662, 1380 and 8398/2.
- 3.0.3 On 30th September 2009 Kengen Ltd expressed interest in purchasing parcel LR. No 8398/2, for geothermal exploration.
- 3.0.4 On 17th October 2010 a sitting committee formed by Ng'ati Farmers' Co-operative Societies informed the members of the society of the decision by KenGen ltd not to purchase the land due to lack of funds for the project.
- 3.0.5 The sitting committee and the management of KenGen later transacted the sale of LR No.8398/2 without the members consent.
- 3.0.6 The Sitting Committee resolved that Kengen be given permission to explore geothermal potential. Over the time Kengen has been drilling the land to explore its potential.
- 3.0.7 In August 2014, the committee forcefully issued to Members of Ng'ati Farmers' Co-operative Societies cheques worth Kshs. 415,000 (four hundred and fifteen thousand Kenya Shillings being the assumed cost of 5 ½ acres).
- 3.0.8 The management Committee members of Ng'ati Farmers' Co-operative Society, surveyors and local administration recruited an extra 250 people without the consent of Ng'ati Farmers' Co-operative Societies' members thereby increasing the total membership of the society from 581 to 836.
- 3.0.8 The Current management committee members supported by the Provincial Administration have thwarted efforts by the N'gati Farmers' Co-operative Society members to convene and hold a general meeting for the last 25 years.

3.1 STATEMENT OF FACT – THE INQUIRY

3.1.1 There are various Court cases appeals and a judicial review touching on matters related to the properties L.R. No. Narok/Maiella Estate/2662, Narok/Maiella Estate/1380 and Narok/Maiella Estate/8398/2.

3.1.2 The first appeal was from the decision of the High Court (Rimita J.) given on 12th May, 2000 in Nakuru High Court **Civil Case No.89 of 1996**.

3.1.3 The plaintiff in that suit was Ngati Farmers Co-operative Society Ltd, the respondent in this appeal, with councilor John Ledidi, Kelesi Ole Pushati, Kariwo Ole Nakoru, Ndoyoo Ole Kamassia, Ipite Ole Kiloku, Lemei Ole Siriai, Chief Hassan, John K. Siriai, Cheringot Ole Siriai, Lemon Ole Punyua, Kosev Ole Maloit, Namesi Ole Mosheshi, Ole Nkuku, Madero and Moshoga Ole Kashikwa, as the defendants.

3.1.4 The suit was commenced by plaint and in it the plaintiff prayed for an injunction, restraining the defendants, either by themselves, their servants, agents, employees and anybody purporting to act on their behalf from alienating, occupying, interfering with the survey work which by then was ongoing on the aforesaid three parcels of land. In addition the plaintiff prayed for a declaration that the defendants were trespassers on the property, general damages for trespass, an eviction order against all the defendants and costs.

3.1.5 Rimita J. heard the case fully, and in his judgment, as material, he rendered himself thus:

“The defendants assertion that they occupied the portions of the plaintiff’s land since they were born (over 20 years) must be true. I find that the defendants did not enter the disputed portions of the plaintiff’s land with consent of the plaintiff. In any case if the consent was for grazing rights then it was violated and the defendants by making settlements, cultivating the land and growing crops, building schools etc, became trespassers.

I think their possession of the said distinct portions of land was adverse.

The plaintiff's claim is therefore time barred and cannot succeed. There is a counterclaim. The application must have been by way of Originating Summons but since their claim is in answer to the plaintiff's claim, I think it should succeed."

- 3.1.6 Earlier in his judgment the learned Judge remarked that he visited the disputed portions of the land and observed that the portions which were occupied by the defendants were clearly delineated, there was an old school and several other developments thereon, and that the portions occupied by the Maasai were under cultivation and some parts were used for grazing purposes.
- 3.1.7 In Civil suit No. 267 of 2005(OS), the claimants are seeking an order that they have become entitled not to a portion but the whole of parcel Nos. Narok/Maiella Estate, 1380, 2662 and 8398/2 by adverse possession. Considering the timing of the suit it would appear that the success of the earlier suit provided the impetus and resolve to claim the remainder of the land owned by the appellants.
- 3.1.8 The basis of the appellants' claim was that the land is ancestral to them, they have no alternative land to settle on, their number inclusive of children is over 5000, and they have lived on the land all their lives.
- 3.1.9 The respondent was expected denied all that in a replying affidavit sworn by one Patrick Karanja Mwachuki, the Chairman of the respondent, who, among other things, states that the society allowed Maasai's grazing rights, but instead they moved in and settled.
- 3.1.10 He deposed that the appellants are trespassers and should therefore be ejected. He contended that the appellants moved onto the suit land only recently. Some members of the respondent society live on parts of the land, and the society is in the process of sub-dividing the land for the occupation of its members.
- 3.1.11 Koome J., heard the suit. She did not think that the procedure adopted by the appellants in bringing the suit had any irregularity. In her judgment she found as fact that the earlier suit was brought for the benefit of the Maasai Community who were residing on the suit property and concluded thus:

“ I find that the issues in controversy in this suit were substantially the same issues that were litigated upon in Nakuru HCCC. No. 89 of 1996. The plaintiffs are litigating for the same claimants and over the same subject matter.”

3.1.12 The Second appeal issued on 11th November 2011 in Nakuru found no basis for interfering with Koome J.'s decision. Accordingly, it agreed with Mr. Kahiga for the respondent that the appeal has no merit both on the basis that the appellants' suit is *res judicata*, and also because on the evidence before the High Court, the appellants did not prove adverse possession. The appeal was accordingly dismissed with costs to the respondent, Ngati Co-Operative Society Ltd

3.1.13 the National Land Commission (NLC) has started investigating the acquisition of a 3,000-acre land by KenGen from the troubled Ng'ati Farmers Co-operative Society in Maella area, Nakuru County.

4.0 EVIDENCE.

4.0.1 Evidence from the Hon. John Kihagi, MP.

On 15th February 2015, the Member informed the Committee as follows:-

- a) In 1964, Ng'ati Farmers' Co-operative Societies comprising of 581 members bought 16,338 acres being in three parcels of L.R. No. Narok/Maiella Estate/2662, Narok/Maiella Estate/1380 and Narok/Maiella Estate/8398/2 and subdivided it among its members.
- b) Since Ng'ati Farmers' Co-operative Society members did not settle in the land immediately, the Maasai community invaded the land claiming it is their ancestral land,
- c) The matter went to court and the Court of Appeal ruled that the Maasai community should be granted 4,207 acres;
- d) In 1995, the Maasai Community who invaded the part of 16,000 acres were evicted. They went to court and claimed that the land belonged to them. The

court ruled that it was the same case that the Court of Appeal had ruled on in 1985, where it was decided that the 4,207 acres be excised for the Maasai Community;

- e) Ng'ati Farmers' Co-operative Society sought for eviction orders through their lawyers. The High Court in Nakuru issued the eviction orders on the above named parcel of land on 3rd July 2013. During the eviction, several properties were destroyed;
- f) His Excellency, the President of Kenya, Uhuru Kenyatta visited Narasha and thereafter a committee was formed to address the dispute between N'gati Farmers and Narasha Community;
- g) 247 members of the Maasai Community from Narasha area (LR No. Narok Maiella 8398/2) were paid as compensation a total sum of Kshs. 100,000,000 by the Government of Kenya, through the Ministry of Energy;
- h) The Government through the Ministry of Energy has identified alternative land to resettle the affected Maasai Community members. Each affected Maasai community member is to be allocated five acres of land;
- i) Society Members were forced to surrender 5,000 acres which cannot be accounted for to date;
- j) KenGen had on 30th September 2009 visited members and promised that they were interested with the land parcel NO LR 8398/2, for geothermal exploration. The sitting Committee agreed that KenGen would be given permission to explore the land. Over time Kengen has been drilling the land to know its potential.
- k) Ng'ati Farmers' Co-operative Society paid survey fee and balloted the parcels where each parcel measured five and half (5 ½) acres and allocated a parcel to each and every member.
- l) The sitting committee and KenGen corruptly transacted a sale of LR No.8398/2 without the members' consent. In August 2014, the committee forcefully started

issuing cheques worth Ksh 415,000 (four hundred and fifteen thousand Kenya Shillings being assumed as the cost of five and a half acres).

- m) The Committee heard that the directors, surveyors and local administration had corruptly recruited 250 non-members, hence increasing the membership from 581 to 836;
- n) Efforts by the N'gati Farmers' Co-operative Society members to convene and hold a general meeting have failed for the last eight years. They were thwarted by the current management committee with the support of the Provincial Administration.
- o) Conflict and violence erupted when the society attempted to hold an Annual General Meeting (AGM) in December 2014;
- p) An AGM had been rescheduled for 9th February 2014;

4.0.2 Evidence from Nakuru Deputy County Commissioner

On 15th February, 2015, Naivasha Deputy County Commissioner, Mr. Abraham Kemboi, informed the Committee as follows:-

- a) The land in dispute is between the Kikuyu and Maasai communities along the Naivasha/Narok common borders which spans 15 years having started in 1986;
- b) Ng'ati Farmers' Co-operative Society laid claim on 11,338 acre of land, while the Maasai community from the neighboring Narok District claimed they were entitled to a substantial share of the same parcel of land;
- c) The Society went to court seeking to have the claim by the Maasai Community dismissed. The case lasted for four years and on 12th May 2009, the High Court sitting in Nakuru ruled that the claimants (the Maasai Community) be awarded 4,207 acres, leaving the society with 7,131 acres of land;
- d) The Society filed an appeal with the Court of Appeal in Nairobi but on 23rd of July 2009, the Court of Appeal upheld the High Court ruling. Consequently, the court ordered as follows;
 - i. That the 11,338- acre land be subdivided without delay;

- ii. That in the subdivision, the society be entitled to 7,131 acres of land while the claimants (the Maasai community) would be entitled to the remaining 4,207 acres;
 - iii. That survey work commences at the earliest possible moment;
 - iv. That the District Commissioner, and the Officer Commanding Police Division (OCPD) Naivasha, ensures security is provided during the survey.
- e) The society contracted M/S Muritu and Associates, surveyors while the Maasai community contracted M/S Muhuri and Associates, surveyors, to jointly carry out survey work to determine the exact extent of what rightfully belonged to each of the parties;
 - f) In September 2010, a surveyor was murdered while at work and that issue is being handled by relevant Government agencies. Security was increased by deploying more security officers to Ng'ati Farm;
 - g) The 7,131 acre land was subdivided into two phases (i.e. phase 2 Arable land and phase 3 Rocky/Hilly land) comprising of a total of four blocks namely; Olkaria, Mara, Ngunyumu and Hilly Area;
 - h) During the survey and subdivision, provisions were made for a number of public utilities. The survey work was concluded in 2011 and the maps forwarded to the Director of Surveys;
 - i) Ng'ati farmers contracted Mirugi Kariuki and Company Advocates to negotiate with the 247 Maasai community members to move out of the parcel but no agreements were over reached;
 - j) N'gati Farmers' Co-operative Society sought for eviction orders through their lawyers. The High court in Nakuru issued the eviction orders on the above named parcel of land on 3rd July 2013;
 - k) Tango Auctioneers undertook the eviction on Friday 26th July 2013 under the supervision of the County Commissioner and OCPD Nakuru and Narok County;

- l) During the eviction, several properties were destroyed. This prompted the Maasai Community to stage demonstration;
- m) His Excellency, the President of Kenya, Uhuru Kenyatta visited Narasha and after the meeting, a committee to address the dispute between Ng'ati Farmers Co-operative Society and Narasha community was formed;
- n) Two Hundred and Forty Seven (247) members of Maasai community from Narasha area (LR No. Narok Maiella 8398/2) were paid as compensation a total sum of Kshs 100,000,000 by the Government of Kenya, through the Ministry of Energy;

The Government through the Ministry of Energy has identified alternative land to resettle the affected Maasai community members. Each affected Maasai community member will be allocated 5 acres of land. The said resettlement action plan was to be implemented from the beginning of February 2015.

4.0.3 Evidence from the Members of Ng'ati Farmers' Cooperative Society

Mr. Ngugi Njoroge representing Ng'ati Farmers' Cooperative members informed the Committee as follows:

- a. The society comprises of 581 original member whom in 1964 bought shares of land whose acreage was 16,338 which were to be subdivided among the members;
- b. The above acreage is in three pieces of land namely L.R. No. Narok/Maiella Estate/2662, Narok/Maiella Estate/1380 and Narok/Maiella Estate/8398/2;
- c. In 1993, LR Nos. 2662 and 1380 respectively were partially divided into 863 parcels amounting to 3836 acres approximately. The above subdivision (phase 1) were not disputed by the members;
- d. After the court granted the Maasai Community 4,027 acres, the balance of 3,219 acres was to be subdivided amongst 581 members in equal shares;
- e. The directors of the society directed all members to contribute Ksh.46,000/= each towards surveying of land (this translated to $581 \times \text{Kshs. } 46,000 = \text{Kshs.}$

- 26,261,000/=);
- f. However, members realized that the directors, surveyors and local administration had already corruptly recruited 255 non-members increasing the membership from 581 to 836. It was further discovered that the purported surveyor did not put beacons on the land and that even the said surveyor was allocated land;
 - g. KenGen Ltd had on 30th September, 2009 visited members and said they were interested with land parcel NO LR 8398/2;
 - h. On 17th October, 2010 the sitting committee informed the members that their land could not be purchased by KenGen Ltd as their procurement manager had stated there were no funds for that project;
 - i. Due to the above information, the members paid survey fees and balloted the parcels where each parcel measuring approximately five and half (5 ½) acres was allocated to each member;
 - j. Surprisingly, the sitting committee and KenGen Ltd corruptly transacted sale of LR No.8398/2 for geothermal development contrary to the wishes of the society to settle its members without the members' consent. In August 2014, the committee forcefully commenced issuing cheques worth Kshs. 415,000 (Four hundred and fifteen thousand Kenya shillings) being assumed as the of cost of 5 ½ acres;
 - k. The members questioned how in Kenya today, the cost of 5 ½ acres of land could cost Kshs 415,000 and protested the alleged sale;
 - l. There was no special resolution passed by members and shareholders of Ng'ati Farmers' Co-operative Society in a general meeting to sanction and authorize the purported sale of a portion of LR No. 8398/2 to KenGen Ltd and/ or any other public authority;
 - m. The current directors and/ or management board of Ngati Farmers' Co-operative Society were elected 21 years ago and have not been re-elected ever since and therefore they are in office illegally. The said Directors and / or Board of management as such lacked the moral/ legal authority to transact any business on

- behalf of Ngati Farmers' Co-operative Society;
- n. The society's office was moved from Ng'ati Farm to the Sub County Commissioner's office to date in full knowledge of the local administration;
 - o. Members have visited the local cooperative officer, Sub-County Commissioner, Cabinet Secretary of Internal Security and Co-ordination of National Government, Cabinet Secretary, Ministry of Energy and the National Land Commission without any success or redress pertaining to these problems;
 - p. For over six years, the directors have never convened general meetings and no elections have been held in accordance to the society's constitution rendering the directors to be in the office un-constitutionally and illegally;
 - q. Some members have lived for a long time almost fifty years at a place called Ngunyumu and there was an agreement by all members that those members will be considered during demarcation as they have developed the place and have permanent buildings;
 - r. The surveyor did substandard work of land subdivision, as there are missing beacons on the ground. The surveyor used footsteps to measure the land instead of using the correct units
 - s. Various notices of a special general meeting have been issued but the Nakuru County Commissioner has refused to grant them authority to hold annual general meeting citing security concerns;
 - t. Members requested the intervention by the Committee in the following areas, that;
 - i. Ensure an urgent member's annual general meeting, which has been opposed, by the directors and provincial administration is held.
 - ii. Members to be shown their parcels of land that were balloted for in Olkaria phase (which phase) and which has not been subdivided.
 - iii. The directors should account for the extra members and public utility land that has been grabbed, and to produce the members register showing name,

address, occupation and number of shares held, serial numbers and receipts and the date of admission.

- iv. The balance of the land LR No.1380 and 2662 be resurveyed;
- v. Reversal of the sale of land LR No.8398/2 which was illegally sold to KenGen Ltd.

4.0.4. Evidence from the Ministry of Lands, Housing and Urban Development

On 13th October 2015, the Acting Cabinet Secretary for Lands, Housing and Urban Development, Dr. Fred Matiang'i, informed the Committee as follows:-

- a. Ngati Farmers' Cooperative land conflict was being treated as a national security matter due to the fact that the conflict was likely to affect major Government projects in the energy sector aimed at helping the country achieve its vision 2030 targets.
- b. Ng'ati Farmers' Cooperative Society was the registered proprietors of the parcels of land known as LR No. 2662, LR No. 1380 and LR No. 8398 with a total acreage of 16,338ha;c.
- c. Parcel Nos.1380 and 2662 were subdivided into 870 plots in 1995. The titles for the sub-plots are currently being issued to shareholders in Naivasha Land Registry;
- d. **Regarding Land Parcel LR.No. 2662 – LR. No. 24022**
 - i. The owner of the land is Maiella Limited of P.O. Box 5095, Nairobi;
 - ii. The land is a new grant registered under the Registration of Titles Act in pursuance of a surrender registered in the Government Lands Registry at Nairobi in Volume H. 17 folia 148/22;
 - iii. The land measures five thousand (5000) acres or thereabouts and is referenced as LR. No. 2662 as delineated on the land survey Plan No. 82721;
 - iv. The term of the land is nine hundred and forty nine years (949) with effect from 1st April 1965. The user is for agricultural purpose only and attracts an annual rent of Kshs. 1134/=;
 - v. The land was transferred to Ng'ati Farmers' Cooperative Society Limited on

the 18th July 1974 for a sum of Kshs. 770,000;

vi. Surrender to the Government of Kenya was registered in consideration of approval of a sub-division scheme.

e. Regarding Land Parcel No. LR. NO 1380 – (LR. NO. 24023)

i. The owner of land is Maiella Limited of P.O. Box 5095, Nairobi;

ii. The land is a new grant registered under the Registration of Titles Act pursuant to a surrender registered in the Government Land Registry at Nairobi in volume H.17 folio 148/26;

iii. The land measures 8245 acres or thereabouts and is referenced as LR No.1280 as delineated on Land Survey Plan Number 82361;

iv. The term of the land is Nine hundred and forty nine (949) years with effect from 1st November 1964;

v. The user of the land is to be used for agricultural purpose only with an annual rent of (Kshs2,480);

vi. The land was transferred to Ng'ati Farmers' Cooperative Society Limited on 18th July 1974;

vii. Surrender to the Government of Kenya was registered in consideration of approval of a sub-division scheme.

f Regarding Land Parcel No. L.R. No. 8398 – (LR. 12167)

i. The registered owner is Mr. Harold Ashe Murray of P.O. Box Ngong in the said colony. The land is a grant registered under the Registration of Title Ordinance Cap 160;

ii. The land measures 3463 acres or thereabouts and is referenced as LR No.8398 as delineated on land survey Plan No.54349. The term of the land is nine hundred and eighty three (983) with effect from 1st January 1955;

iii. The land will be used for agricultural purpose only with an annual rent of Kshs. 692/60 (revisable);

iv. The land was transferred to Ngati Farmers' Cooperative Society Limited on 18th

July, 1974;

- v. The land was surrendered for sub-division in exchange of two new grants registered as LR. No.35901 of 149.719 ha and LR. 143757 of 1,252 ha.;
- vi. The two new grants were eventually transferred to Kenya Power Company Limited currently known as Kenya Electricity Generating Company Limited.
- vii. Available records show an application to transfer 370 acres from the above parcel was made in 1980 and the Central Board Authority meeting held on 17th September 1980 approved it. The excised portion was later transferred to Kenya Power Co. Ltd on 30th December 1981. The excised portion was sold to Kenya Power Company Limited for Kshs.1,406,000. In 2013 the remainder of LR No. 8398/2 measuring 3093 acres was also transferred to Messrs. KenGen Ltd after a consideration of Kshs500, million;
- g. Preliminary views were that there are some political nuances in the issue and a report was being compiled with the help of the country's security agencies;
- h. The Ministry had further provided an intervention strategy that would involve working with all Government agencies involved in the conflict i.e Ministry of Lands, Housing and Urban Development, Ministry of Interior and Coordination of National Government, Ministry of Industrialization and Enterprise Development, Ministry of Energy, Registrar of Societies and the Registrar of Cooperatives. A report was being compiled and would be shared with the Committee in due course;
- i. Restrictions had been placed on the above parcels to prohibit any further dealings on the land.

5 COMMITTEE OBSERVATIONS

- 5.1 For the last 21 years the directors of Ng'ati Co-operative Society have never convened any general meeting and no elections have been held since then in accordance with the society's constitution and the State Department in charge of Co-operatives granted the N'gati Farmers' Co-operative Society authority to hold

a general meeting but the said meeting was barred by the Provincial Administration due to security concerns in the area;

- 5.2 There are claims of illegal recruitment of 250 non-members, into the Society which made the membership of the society to go up from 581 to 836, resulting into a conflict between the new and the old members rendering the area a hot spot for a possible conflict between the two antagonistic parties;
- 5.3 Caveats have been put in the parcels of land in question prohibiting any further dealings in the land since the said land is of national importance;
- 5.4 Although Messrs. KenGen Ltd bought a parcel of land LR No. 8398/2 measuring 3093 acres after a consideration of Kshs.500 million. There are complaints that only half the money was remitted to the owners of the land;
- 5.5 There are concerns that KenGen Ltd and the Ministry of Energy and Petroleum did not conduct a due diligence when dealing with the officials of Ng'ati Co-operative Society;
- 5.6 Out of 16,000 hectares, around 5000 hectares was surrendered to the Government and the remaining 11,000 hectares was unaccounted for;
- 5.7 There is an indication that the society's directors might have conspired with government officials and officials of the power generating firm to sell the land hence there is no records of how the valuation of the land was done, mode of payment, the amount paid out and who received the payment.

6.0 COMMITTEE RECOMMENDATIONS

- 6.1 The Ministry of Lands, Housing and Urban Development, Ministry of Interior and Coordination of National Government, Ministry of Industrialization and Enterprise Development, Ministry of Energy, Registrar of Societies and the Registrar of Cooperatives should within 100 days after the adoption of this report form an inter-Ministerial taskforce to develop strategies to comprehensively address the land issue in Ng'ati;

6.2 The Criminal Investigations Department and the Ethics and Anti-Corruption Commission together with the state department in charge of co-operative should:

- i. investigate the malpractices in Ng'ati Co-operative Society with a view to establishing the genuine and fictitious members of the society,
- ii. Establish who was allocated the remaining 11,000 hectares which is unaccounted for, prosecute Government officials found culpable for transferring the unaccountable 11,000 hectares and ensure that the land in question is recovered by Government,
- iii. Assist the rightful members of Ng'ati Co-operative Society to conduct the Annual General Meeting and prosecute fictitious members and their accomplices;
- iv. Review all title deeds possessed by members of the society in-order to ascertain those which are genuine and advice the State Department for lands to cancel all forged title deeds and take disciplinary measures against its officials who issued the fraudulent title deeds;

6.3 The National Land Commission and the Criminal Investigations Department:-

- c) investigate the status of 5000 hectares surrendered to the Government;
- d) Investigate any form of historical injustices committed during the compensation and payment of Kshs 500 million by Messr. KenGen Ltd and the Ministry of Energy and Petroleum in order to establish if valuation of the land was done, the mode of payment and the amount that was paid and the institutions should also determine the people who were paid.



Annex 1

DEPARTMENTAL COMMITTEE ON LANDS

ADOPTION OF REPORT ON N'GATI FARMERS CO-OPERATIVE SOCIETY LAND DISPUTE

VENUE: TRAVELERS BEACH RESORT AND SPA, MOMBASA.

DATE: 04/2/2016

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

Minutes

MINUTES OF THE 2ND SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON
THURSDAY 4TH FEBRUARY 2016 HELD IN THE KARIBU CONFERENCE ROOM, TRAVELLERS
BEACH HOTEL AND SPA, AT 9.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. Chairperson
2. The Hon. Moses Ole Sakuda, M.P. Vice - Chairperson
3. The Hon. John Kihagi, M.P.
4. The Hon. Bernard Bett, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Hezron Awiti Bollo, M.P.
8. The Hon. Onesmus Ngunjiri, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Thomas Mwadeghu, M.P.
11. The Hon. Joseph Oyugi Magwanga, M.P.
12. The Hon. A. Shariff, M.P.
13. The Hon. Francis Njenga Kigo, M.P.
14. The Hon. Shakila Abdallah, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Gideon Mung'aro, M.P.
17. The Hon. Suleiman Dori, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.
19. The Hon. Mpuru Aburi, M.P.
20. The Hon. Sarah Korere, M.P.
21. The Hon. Julius Ndegwa, M.P.
22. The Hon. Francis W. Nderitu, M.P.
23. The Hon. Eusilah Ngeny, M.P.
24. The Hon. Kipruto Moi, M.P.
25. The Hon. Oscar Sudi, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Kanini Kega, M.P.

3. The Hon. Esther Murugi, M.P.

4. The Hon. Patrick Makau, M.P

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|---------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 3. Mr. Joshua K. Ondari | Clerk Assistant III |
| 4. Ms. Christine Odhiambo | Legal Counsel |
| 5. Ms. Rehema Chepkurui | Audio Officer |

MINUTE NO. DCL/LN/2016/08

PRELIMINARIES

The Chairperson called the meeting to order at 9.10 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2016/09

AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Hellen Chepkwony, M.P. and seconded by the Hon. Bernard Bett, M.P.

AGENDA

1. Prayers
2. Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. Bills
6. Petitions
7. Papers
8. Statements
9. Substantive Agenda:- Consideration and adoption of the Report on Ngati Farmers' Cooperative Society Land Dispute
10. Any Other Business
11. Date of the Next Sitting

The Committee Considered and adopted the report after being proposed by the Hon Sarah Korere, M.P. and seconded by Hon. Eusilah N'geny, M.P. as follows:-

The Committee makes the following observations; That,

1. For the last 21 years the directors of Ng'ati Co-operative Society have never convened any general meetings and no elections have been held since then in accordance with the society constitution and the State Department in charge of Co-operative granted the N'gati farmers' Co-operative Society authority to hold a general meeting but the said meeting was barred by the provincial administration due to security concerns in the area;
2. There are claims of illegal recruitment of two hundred and fifty non-members, into the Society by increasing the membership from 581 to 836, resulting into a conflict between the new and the old members rendering the area a hotspot for a possible conflict between the two antagonistic parties;
3. Caveats have been put in the parcels of Land in question prohibiting any further dealings in the land since the said Land is of National Importance;
4. Although Mssrs. Kengen Ltd bought a parcel of land LR No. 8398/2 measuring 3093 acres after a consideration of Kshs. 500, 000,000/= there are complaints that only half the money reached the owners of the land;
5. There are concerns that Kengen Ltd and the Ministry of Energy and Petroleum did not conduct a due diligence when dealing with the officials of Ng'ati Co-op Society;
6. Out of 16,000 Ha, around 5000 Ha was surrendered to the government and the remaining 11,000Ha was un-accounted for.

The Committee made the following recommendations:-

1. The Ministry of Lands, Housing and Urban Development, Ministry of Interior and Coordination of National Government, Ministry of Industrialisation and Enterprise Development, Ministry of Energy, Registrar of Societies and the Registrar of Cooperatives. Should within 100 days form an Inter-Ministerial taskforce to develop strategies to comprehensively address the Land issue in Ng'ati;
2. The Criminal Investigations Department and Ethics and Anti-Corruption Commission together with the department in charge of Co-operative should investigate the malpractices affecting the Ng'atia Co-operative Society with a view to establish the rightful and fictitious Members of the

society and also establish who was allocated the remaining 11,000 Ha which is unaccounted for, with the intention of assisting the rightful members of the society conduct the Annual General Meeting and prosecute fictitious members and there accompli and further prosecute government officials found culpable for transferring the unaccountable 11,000Ha and ensure that the said land is recovered by Governmet;

3. The Criminal Investigations Department and Ethics and Anti-Corruption Commission should investigate all title deeds in possession by Members of the society with a few to establish genuine title deeds and find out the title deeds irregularly issued with a view to advising the State Department for Lands to cancel such title deeds and prosecution of government officials responsible for the issuance of the irregular title deeds;
4. The National Land Commission to investigate the status of 5000 Ha surrendered to government;
5. The National Land Commission, Criminal Investigations Department and Ethics and Anti-Corruption Commission should investigate any form of historical injustices committed during the compensation and payment of Kshs. 500M by Mssr. Kengen Ltd and the Ministry of Energy and Petroleum with a view to prosecute those found culpable.

MINUTE NO. DCL/LN/2016/11

ADJOURNMENT & DATE OF THE NEXT

SITTING

There being no any other business, and the time being 11.50 AM. the Chairperson adjourned the sitting.

SIGNED

.....

(CHAIRPERSON)

DATE

.....

3/3/2016

MINUTES OF THE 206TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 13TH OCTOBER, 2015, AT THE 11TH FLOOR BOARDROOM, MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. A. Shariff, M.P.
8. The Hon. Eusilah Ngeny, M.P.
9. The Hon. Bernard Bett, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Suleiman Dori, M.P.
14. The Hon. George Oner, M.P.
15. The Hon. Mathew L. Lempurkel, M.P.
16. The Hon. Dr. Paul Otuoma, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Joseph Oyugi Magwanga, M.P.
19. The Hon. Patrick Makau, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Onesmus Ngunjiri, M.P.
2. The Hon. Esther Murugi, M.P.
3. The Hon. Mpuru Aburi, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Oscar Sudi, M.P.
2. The Hon. Hellen Chepkwony, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Sarah Korere, M.P.
6. The Hon. Gideon Mung'aro, M.P.
7. The Hon. Shakila Abdallah, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Ms. Ruth Mwihaki Clerk Assistant III
2. Mr. Emmanuel Muyodi Clerk Assistant III
3. Christine Odhiambo Legal Counsel II

MINUTE NO. DCL/LN/2015/740 **PRELIMINARIES**

The Chairman called the meeting to order at 10.25 a.m. with a word of prayer.

MINUTE NO. DCL/LN/ 2015/ 741

**SUBMISSIONS FROM THE CABINET SECRETARY,
MINISTRY OF LANDS, HOUSING AND URBAN
DEVELOPMENT**

Dr. Fred Matiang'i, Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by Ms. Mariam El. Maawy, Permanent Secretary, , Mr. Augustine Masinde, Director Physical Planning, Mr. Cesare N. Mbaria, Director of Surveys, , Mr. Martin Oloo, Legal Advisor to the Cabinet Secretary, Mr. Francis Orioki, Principal Land Registrar, Ms. Esther N. Ogega, Mr. Steve Mokaya, Senior Land Registration Officer, Ms Stella Ndung'u, Senior Land Registration Officer, Mr. Paul Ndung'u , Mr. Eustace Kithumbu , Mr. Anfred A. Ombima and Ms. Carol Kinuthia informed the Committee as follows:

1. NG'ATI FARMERS COOPERATIVE SOCIETY LR NO NOS. 2662, 1380 AND 8398

a) LR. No. 2662 – LR. No. 24022

- i. The owner of the land is Maiella Limited of P.O. Box 5095, Nairobi ;
- ii. The land is a new grant registered under the Registration of Titles Act in pursuance of a surrender registered in the Government Lands Registry at Nairobi in volume H. 17 folia 148/22;
- iii. The land measures five thousand (5000) acres or thereabouts and is referenced as LR 2662 as delineated on the land survey Plan No. 82721;
- iv. The term of the land is Nine hundred and forty nine years (949) with effect from 1st April 1965. The user is for agricultural purpose only and attracts an annual rent of Kshs. 1134/=;
- v. The land was transferred to Ng'ati Farmers' Cooperative Society Limited on the 18th July 1974 for a sum of Kshs. 770,000;
- vi. A surrender to the Government of Kenya was registered in consideration of approval of a sub-division scheme. (Copy of title provided)

b) LR. NO 1380 – (LR. NO. 24023)

- i. The owner of land is Maiella Limited of P.O. Box 5095, Nairobi ;
- ii. The land is a new grant registered under the Registration of Titles Act in pursuance of a surrender registered in the Government Land Registry at Nairobi in volume H.17 folio 148/26;
- iii. The land measures 8245 acres or thereabouts and is referenced as land Reference No. 1280 as delineated on Land Survey Plan Number 82361;
- iv. The term of the land is Nine hundred and forty nine (949) years with effect from 1st. November 1964;
- v. The user of the land is to be used for agricultural purpose only with an annual rent of (Kshs 2,480);

- vi. The land was transferred to Ng'ati Farmers' Cooperative Society Limited on 18th July 1974;
- vii. A surrender to the government of Kenya was registered in consideration of approval of a sub-division scheme (copy of title provided)
- c. L.R. No. 8398 – (LR. 12167)
 - i. The registered owner is Mr. Harold Ashe Murray of P.O. Box Ngong in the said colony. The land is a grand registered under the Registration of Title Ordinance Cap 160;
 - ii. The land measures 3463 acres or thereabouts and is referenced as land Reference Number 8398 as delineated on land survey plan Number 54349. The term of the land is nine hundred and eighty three (983) with effect from 1st January 1955;
 - iii. The user of the land is to be agricultural purpose only with an annual rent of Kshs. 692/60 (revisable);
 - iv. The land was transferred to Ngati Farmers' Cooperative Society Limited on the 18th July, 1974;
 - v. The land was surrendered for sub-division in exchange of two new grants registered as LR. 35901 of 149.719 ha and LR. 143757 of 1,252 ha. (copies provided);
 - vi. The two new grants were eventually transferred to Kenya Power Company Limited currently known as Kenya Electricity Generating Company Limited;

The Committee was further informed as follows:

- a. The Ngati Farmers' Cooperative land conflict was being treated as a national Security matter due to fact that the conflict was likely to affect major government projects in the energy sector aimed at helping the country achieve its vision 2030 targets;
- b. The land involved in the conflict is meant for an industrial park affecting energy production in the country;
- c. The Ministry of Energy had already entered into agreements on the establishment of an industrial Park;
- d. Preliminary views are that there are some political nuances in the issue and a report is being compiled with the help of the country's security agencies;
- e. The Ministry had provided an intervention strategy that would involve working with all government agencies involved in the conflict. The following government agencies are involved, in order to find a comprehensive solution to the conflict, and a report was being compiled;
 - i. Ministry of Lands, Housing and Urban Development
 - ii. Ministry of Interior and Coordination of National Government
 - iii. Ministry of Industrialisation and Enterprise Development
 - iv. Ministry of Energy
 - v. Registrar of Societies
 - vi. Registrar of Cooperatives
- f. A Meeting has been scheduled between the Ministry and the local Member of Parliament that will address the security concern by mid-November;
- g. The respective Land Registrar has been instructed to put a restriction on the land to ensure that no further dealings on the land are undertaken. Restrictions have been placed on the above parcels to prohibit any further dealings on the land;

- h. The Ministry was looking for ways of dealing with land buying companies in the country and interagency action would be taken in order to provide for a comprehensive and conclusive action on land matters involving land buying companies. This would involve working together with the registrar of Cooperatives, cooperatives tribunal and Registrar of Societies.

The Committee Observed:

That while the matter was being handled from a security perspective, the land issue should not be ignored since there were genuine concerns raised by the members of Ngati Farmers' Cooperative who had been affected since they acquired the land genuinely and the land had been sold irregularly by the management committee of the cooperative.

The Committee resolved:

1. That the Cabinet Secretary for Lands, Housing and Urban Development and the Cabinet Secretary for Interior and Coordination of National Government report to the Committee in the last week of November on the outcome of the investigations into the Ngati Farmers and to share the report of the interagency group looking into the matter with the Committee;
2. That caveats be placed on the Ngati Farmers' Cooperative Society title deeds until the matter is resolved

MINUTE NO. DCL/LN/2015/742

ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 13.15 pm, the meeting was adjourned. The next meeting will be on Thursday 15th October, 2015.

SIGNED..... (CHAIRPERSON) DATE

4th NOV 2015

MINUTES OF THE 188TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS
HELD ON WEDNESDAY 2ND SEPTEMBER, 2015, PROTECTION HOUSE, FOURTH FLOOR,
BOARD ROOM, PARLIAMENT BUILDINGS AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. John Kihagi, M.P.
7. The Hon. Patrick Makau, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Joseph Oyugi Magwanga, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Thomas Mwadeghu, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Benson Mbai, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Mpuru Aburi, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Mathew L. Lempurkel, M.P.
2. The Hon. Hellen Chepkwony, M.P.
3. The Hon. Shakila Abdallah, M.P.
4. The Hon. Esther Murugi, M.P.
5. The Hon. Francis Njenga Kigo, M.P.
6. The Hon. Sarah Korere, M.P.
7. The Hon. Eusilah Ngeny, M.P.
8. The Hon. Suleiman Dori, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Gideon Mung'aro, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III

- 3. Mr. Emmanuel Muyodi - Clerk Assistant III
- 4. Ms. Christine Odhiambo - Legal Counsel II
- 5. Mr. Noah Too - Research Analyst I
- 6. Mr. Yakub Ahmed - Media Relations Officer III

MINUTE NO. DCL/LN/2015/654 PRELIMINARIES

The Chairman called the meeting to order at 10.29 am with a word of prayer.

MINUTE NO. DCL/LN/2015/655 ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by the Hon. Patrick Makau, M.P and Seconded by the Hon. Francis Waweru, M.P as hereunder.

**MINUTE NO. DCL/LN/2015/659 SUBMISSION FROM THE CABINET SECRETARY,
MINISTRY OF LANDS,HOUSING AND URBAN
DEVELOPMENT**

While appearing before the Committee, Dr. Fred Matiang’i, Ag. Cabinet Secretary, Ministry of Lands Housing and Urban Development, accompanied by Mrs. Mariam El Maawy, Principal Secretary, Mr. Peter Kahuho, Ag. Secretary Lands, Mr. Martin Oloo, Legal Advisor to the Cabinet Secretary, Mr. Augustine Masinde, Director, Physical Planning, Mr. Barasa Wahonjo, Parliamentary Liason Officer, Mr. Francis Orioki, Mr. Steve Mokaya, Mr. Paul Ndung’u , Mr.Phillip Abong’o and Mr Owino Jacob informed the Committee as follows:

1. Ng’ati Farmers’ Cooperative Society LR Nos. 2662, 1380 and 8398

The Committee heard as follows; THAT

- a) Ng’ati Farmers’ Cooperative Society were the registered proprietors of the above parcels of land having purchased them in 1964. The three parcels of land had an area of 16,338ha;
- b) Application to transfer 370 acres from the above parcel was made in 1980. It was approved by the Central Board Authority meeting on 17th September, 1980. The excised portion was later transferred to Kenya Power Co. Ltd on 30th December, 1981. Records indicate that the excised portion was sold to Kenya Power for Kshs.1, 406,000. In 2013 the remainder of LR No. 8398/2 measuring 3093 acres was also transferred to KENGEN;
- c) An application to subdivide the above two parcels into 4 portions of 1.753Ha, 1,315Ha, 1,73.8 Ha and 1,825Ha was approved on 9th October 1995. A further application to subdivide the entire land into 870 agricultural plots was approved on 9th November, 1995. Survey was completed the same year. Titles for the sub-plots are being issued to the shareholders through Naivasha District Land Registry;
- d) Parcel Nos. 1380 and 2662 were subdivided into 870 plots in 1995. The titles for the sub-plots are currently being issued to shareholders in the Naivasha Land Registry;
- e) The parcel of land sold to KENGEN in 2013 is LR No 8398/2 measuring 3093 acres. It was transferred at a price of Kshs.500, 000,000/=.

The Committee observed;

- a) The provincial administration has been at the forefront of frustrating efforts by the Cooperative to hold meetings to elect new officials;
- b) There is need to have the ongoing issuance of title deeds , subdivisions on the land and any asset disposal by the current Ngati Cooperative leaders frozen;
- c) The Ngati Farmers Land Dispute is likely to escalate and lead to conflict if not resolved.

The Committee Resolved:

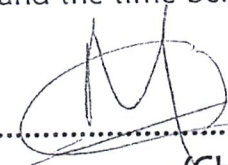
- a) That the Ministry of Lands, Housing and Urban Development to deal with the Ngati Farmers matter from a security perspective and collaborate with the Area Member of Parliament and report back to the Committee.

MINUTE NO. DCL/LN/2015/ 671

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 3.15 p.m. the meeting was adjourned.

SIGNED

.....

 (CHAIRPERSON)

DATE

.....
 29/9/2015

MINUTES OF THE 118TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON
LANDS HELD ON FRIDAY 13TH FEBRUARY 2015, AT MAIELLA GROUNDS AT 12.00 PM

PRESENT:

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

APOLOGIES

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

ABSENT

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwhaki Clerk Assistant III
3. Mr. Noah Arap Too Research and Policy Analyst I
4. Mr. Muyodi Meldaki Clerk Assistant III

5. Ms. Rahab

Audio officer

MINUTE NO. DCK/LN/2015/346

PRELIMINARIES

The Chairman called the meeting to order at 10.30 a.m.

MINUTE NO. DCK/LN/2015/347

PUBLIC HEARINGS AT MAIELLA

The Committee was informed as follows;

NG'ATI FARMERS COOPERATIVE

The Committee was informed that:

1. The society comprises of 581 original member whom in 1964 bought shares in this land Cooperative society which bought sixteen thousand, three hundred and thirty eight acres of land (16,338 acres) which were to be subdivided among the members;
2. The above acreage is in three pieces of land LRR 2662, 1380 and 8398;
3. In 1993, LRS 2662 and 1380 respectively were partially divided into 863 parcels amounting to 3836 acres approximately. The above subdivision (phase 1) were not disputed by the members;
4. After the court granted the Maasai community 4027 acres, the balance of 3219 acres was to be subdivided amongst 581 members in equal shares.
5. The directors of the society directed all members to contribute Ksh.46,000/= each towards surveying of land (this translated to $581 \times \text{Kshs. } 46,000 = \text{Kshs. } 26,261,000/=$).
6. However, members realized that the directors, surveyors and local administration had already corruptly recruited two hundred and fifty five non-members increasing the membership from 581 to 836. It was further discovered that the purported surveyor did not put beacons on the land and that even the said surveyor was allocated land;
7. Kengen LTD had on 30th September, 2009 visited members and said they were interested with land parcel NO LR 8398/2;
8. On 17th October, 2010 the sitting committee informed the members that their land could not be purchased by Kengen LTD as their procurement manager had stated there were no funds for that project;
9. Due to the above information the members paid survey fees and balloted the parcels where each parcel measuring five and half ($5 \frac{1}{2}$) acres was allocated to each member;
10. Surprisingly, the sitting committee and Kengen LTD corruptly transacted sale of LR 8398/2 for Geothermal Development contrary to the wishes of the society to settle its members without the members consent and in August 2014 the committee forcefully started issuing cheques worth Kshs 415,000 (Four hundred and fifteen thousand Kenya shillings) being assumed cost of $5 \frac{1}{2}$ acres;
11. The members questioned how in Kenya today, the cost of $5 \frac{1}{2}$ acres of land could cost Kshs. 415,000 and protested the alleged sale;
12. There was no special resolution passed by members and shareholders of Ng'ati Farmers' Co-operative society in a General meeting to sanction and authorize the

purported sale of a portion LR NO. 8398/2 to KENGEN and/ or any other public authority.

13. The current Directors and/ or management board of Ngati Farmers' Co-operative Society were elected 21 years ago and have not been re-elected ever since and are therefore in office illegally. The said Directors and / or Board of management as such lacked the legal capacity to transact any business on behalf of Ngati Farmers' Co-operative Society.
14. The society's office was moved from Ng'ati farm to the sub county commissioner's office to date in full knowledge of the local administration;
15. Members have visited the local cooperative officer, Sub-county Commissioner, Cabinet Secretary of Internal Security, Cabinet Secretary Ministry of Energy and National Land Commission without any success or redress pertaining to these problems;
16. For over six years the directors have never convened general meetings and no elections have been held in accordance to the society's constitution rendering the directors to be in the office un-constitutionally and illegally;
17. Some members have lived for a long time almost fifty years at a place called Ngunyumu and there was an agreement by all members that those members will be considered during demarcation as they have developed the place and have permanent buildings.
18. The surveyor did substandard work of land subdivision as there are missing beacons on the ground. The surveyor used footsteps to measure the land instead of using the correct units.
19. Various notices of a special general meeting have been issued but the Nakuru County Commissioner has refused to grant them authority to hold a members general meeting citing security concerns;

Members requested intervention by the Committee in the following areas, that;

- a) Ensure an urgent member's general meeting which has been opposed by the directors and provincial administration is held.
- b) Members to be shown their parcels of land that was balloted for in Olkaria phase and which has not been subdivided.
- c) The directors should account for the extra members and public utility land has been grabbed, and to produce the members register showing name, address, occupation and number of shares held, serial numbers and receipts and the date of admission.
- d) The balance of the land LR 1380 and 2662 be surveyed;
- e) Reversal of the sale of land LR 8398/2 which was illegally sold to Kengen ;
- f) Production of the assets register and location of the assets for Ngati farmers .
- g) Production of minutes' book for general meeting and committee meetings.

NDEBETHI FARMERS CO.

John Karanja Kamau representing Ndebethi farmers informed the committee that:-

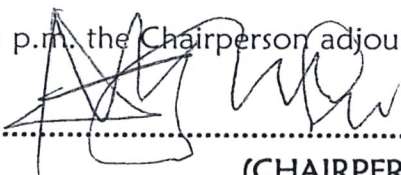
1. The land LR no.1695 –IR 1417 was initially owned by Gilbert De Preville Colville the proprietor of Colville Ltd;
2. The farm which measures 2,504 acres was hived off from the larger farm, Ndabibi Estates, LR no. 10998;
3. In the early 1960s the government of Kenya Started Land settlement schemes in various Districts within the Rift Valley Province and other parts of Kenya. The employees of Ndabibi Estate decided to present their case at District Commissioners office Naivasha for consideration to be settled in Nyandarua District;
4. On learning of their intention, lord Colville wrote to the District Commissioners Naivasha advising him not to consider the employees request of being settled under the government programme since he had resolved to surrender to them a portion of Ndabibi estate for settlement;
5. He further informed Ndabibi employees of his communication with the Naivasha District Commissioner and promised to discuss the procedures to be followed in the purchase
6. They were former employees of Lord Colville Of Ndebethi estate.
7. In 1964,the owner wrote and offered land
8. The estate had 6 titles. The title for the land is LR 1695-IR 1417 File no.19126 and FR no.7/57
9. In 1972,the owner begun making deductions in the employees' salaries as payment for the land.
10. Payments were made in 8 years and completed in 1980
11. The group had 200 members
12. In 1972,the land was subdivided without the members knowledge. Schools and hospitals fell on one side.
13. 6 years ago, members decided to subdivide the other parcel and that is when they learnt the land belongs to ADC
14. Members want the original boundaries restored and to get their land back

MINUTE NO. DCK/LN/2015/348

ADJOURNMENT

And the time being 2.45 p.m. the Chairperson adjourned the Sitting.

SIGNED


.....
(CHAIRPERSON)

DATE

28th July 2015
.....

MINUTES OF THE 117TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON
LANDS HELD ON FRIDAY 13TH FEBRUARY 2015, AT SOPA LODGE AT 10.30 AM

PRESENT:

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

APOLOGIES

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

ABSENT

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono
2. Ms. Ruth Mwhaki
3. Mr. Noah Arap Too
4. Mr. Muyodi Meldaki
5. Ms. Rahab Chepkilil

Clerk Assistant I
 Clerk Assistant III
 Research and Policy Analyst I
 Clerk Assistant III
 Audio officer

MINUTE NO. DCK/LN/2015/342

PRELIMINARIES

The Chairman called the meeting to order at 10.30 a.m.

MINUTE NO. DCK/LN/2015/343

**SUBMISSIONS FROM HON. JOHN KIHAGI,
 AREA MEMBER OF PARLIAMENT, NAIVASHA
 CONSTITUENCY**

The area Member of Parliament, Hon. John Kihagi informed the Committee as follows, that;

1. In 1964, Ng'ati farmers' Co-operative Societies comprised of 581 members bought 16,338 acres of land and subdivided among the members. The acreage is in three parcels of Land NO. 2662, 1380 and 8398/2;
2. Since the Ng'ati farmers' co-operative societies members didn't settle in the land immediately the Maasai community invaded the land claiming it is their ancestral land, the case went to court and the court of appeal ruled that the Maasai community be granted 4207 acres;
3. In 1995 the Maasai community who invaded the part of 16,000 acres were evicted, they went to court claiming that the land belonged to them. The court ruled that it was the same case that the Court of Appeal decided in 1985, where it ruled that the 4207 acres be excised to Maasai Community;
4. Ng'ati farmers' co-operative society sought for eviction orders through their lawyers. The High court of Nakuru issued the eviction orders on the above named parcel of land on 3rd July 2013. During the eviction several properties were destroyed;
5. His Excellency, the President of Kenya, Uhuru Kenyatta visited Narasha and thereafter a Committee to address the dispute between N'gati farmers and Narasha community was formed;
6. 247 members of Maasai community from Narasha area (LR No. Narok Maiella 8398/2) were paid as compensation a total sum of Kshs. 100,000,000 by the government of Kenya, through the Ministry of energy;
7. The government through the Ministry of Energy has identified alternative land to resettle the affected Maasai community members. Each affected Maasai community member is to be allocated 5 acres of land;
8. Kengen LTD had on 30th September, 2009 visited members and expressed interest with the land parcel NO LR 8398/2, for geothermal exploration. The sitting Committee passed that Kengen LTD will be given permission to explore the land.

Over the time Kengen LTD has been drilling the land to know its potential.

9. On 17th October, 2010 the sitting committee informed the members that their land could not be purchased by the Kengen LTD as their procurement manager had stated there were no funds for that project.
10. Ng'ati farmers' co-operative society paid survey fee and balloted the parcels where each parcel measured five and half (5 ½) acres and allocated a parcel to each and every member.
11. The sitting committee and Kengen LTD corruptly transacted sale of LR 8398/2 without the members consent and in August 2014 the committee forcefully started issuing cheques worth Ksh 415,000 (four hundred and fifteen thousand Kenya Shilling being assumed cost of 5 ½ acres).
12. The Committee heard that the directors, surveyors and local administration had corruptly recruited two hundred and fifty non-members, hence increasing the membership from 581 to 836;
13. Efforts by the N'gati farmers' co-operative society members to convene and hold a general meeting have been thwarted by current management committee supported by the Provincial administration.

The Committee observed THAT:

1. The Members of N'gati farmers' co-operative society were not aware that their land was sold to Kengen LTD.
2. For over six years the directors have never convened general meetings and no elections have been held in accordance with the society constitution.
3. Although the Ministry of Co-operative granted the N'gati farmers' co-operative society authority to hold a meeting, the provincial administration has categorically refused the meeting to take place under the reason of security.
4. The directors, surveyors and local administration had corruptly recruited two hundred and fifty non-members, hence increasing the membership from 581 to 836.

The Committee makes the following recommendations, THAT:

- i. Ng'ati farmers' co-operative society to be given an alternative date to conduct their general meeting.
- ii. Investigation to be done and ascertain if minutes book for general meeting and committee meetings were genuine.
- iii. The directors should account for the extra members.

MINUTE NO. DCK/LN/2015/344

EVIDENCE FROM THE DEPUTY COUNTY
COMMISSIONER, KEMBOI ABRAHAM

The Deputy County Commissioner gave the Committee an overview of Ng'ati Farmers' Co-operative Society Limited. The Committee was informed as follows, that:-

1. The land dispute between the Kikuyu and Maasai communities along the Naivasha/Narok common borders spans 15 years having started way back in 1986;
2. Ng'ati farmers' co-operative society laid claim on 11,338 acre of land, while the Maasai community from the neighbouring Narok district claimed they were entitled to a substantial share of the same parcel of land;
3. The Society went to court seeking to have the claim by the Maasai Community dismissed. The case lasted four years. On 12th May 2009, the High Court in Nakuru ruled that the claimants (the Maasai Community) be given 4,207 acres, leaving the society with 7,131 acres of land;
4. The Society filed an appeal with the Court of Appeal in Nairobi. But on 23rd of July 2009, the Court of Appeal upheld the High Court ruling. Consequently, the court ordered as follows;
 - a. That the 11,338- acre land be subdivided without delay;
 - b. That in the subdivision, the society be entitled to 7,131 acres of land while the claimants
 - c. (the Maasai community) would be entitled to the remaining 4,207 acres;
 - d. That survey work commences at the earliest possible moment;
 - e. That the District Commissioner, and the Officer Commanding Police Division (OCPD) Naivasha, ensures security is provided during the survey.
5. The society contracted M/S Muritu and Associates, surveyors while the Maasai community contracted M/S Muhuri and Associates, surveyors, to jointly carry out survey work to determine the exact extent of what rightfully belonged to each of the parties;
6. In September 2010, a surveyor was murdered while at work and that the issue is being handled by relevant Government agencies. Security was beefed up by deploying more security officers to Ng'ati farm;
7. The 7,131 acre land was subdivided into two phases (i.e phase 2 Arable land and phase 3 Rocky/Hilly land) comprising of a total of four blocks namely; Olkaria, Mara, Ngunyumu and Hilly Area;
8. During the survey and subdivision, provisions were made for a number of public utilities. The survey work was concluded in 2011 and the maps forwarded to the Director of Surveys;
9. Ng'ati farmers contracted Mirugi Kariuki and Company Advocates to negotiate with the 247 Maasai community members to move out of the parcel but no agreements were reached;
10. N'gati farmers' co-operative society sought for eviction orders through their lawyers. The High court of Nakuru issued the eviction orders on the above named parcel of land on 3rd July 2013;

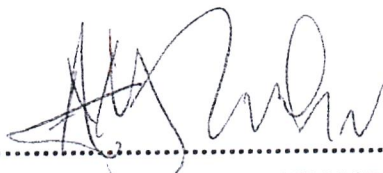
11. Tango Auctioneers undertook the eviction on Friday 26th July 2013 with supervision from County Commissioner and OCPD Nakuru and Narok County;
12. Several properties were destroyed, and this prompted the Maasai Community to stage demonstration;
13. His Excellency, the President Uhuru Kenyatta visited Narasha and after the meeting a Committee to address the dispute between Ng'ati farmers and Narasha community was formed;
14. 247 members of Maasai community from Narasha area (LR No. Narok Maiella 8398/2) were paid as compensation a total sum of Ksh. 100,000,000 by the government of Kenya, through the Ministry of Energy;
15. The government through the Ministry of Energy has identified alternative land to resettle the affected Maasai community members. Each affected Maasai community member is to be allocated 5 acres of land. The said resettlement action plan will be implemented from the beginning of February 2015;

MINUTE NO. DCK/LN/2015/345

ADJOURNMENT

And the time being 11.45 a.m. the Chairperson adjourned the Sitting.

SIGNED


.....
(CHAIRPERSON)

DATE

28th July 2015
.....

Submissions

Annex 2



REPUBLIC OF KENYA

MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

**MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS
OCTOBER 13, 2015**

QUESTIONS

1. **Illegal occupation by squatters of land LR 209/19633 whose legal owners are M/S Jandu Investments Company Limited**

- a) Provide the Part Development Plan for the area identified as having the marshalling plant, Railway reserve and Embakasi railway station;
- b) Provide full details on File No. 7135 and LR No. 7135;
Provide details of LR No. 19633, its location, size and ownership

2. **Petition by residents of Pongwe Area in Lunga Lunga Constituency on imminent eviction from LR No. 1083 Shimoni Kwale;**

Ministry to provide the original title Deed to the Land and the title held by Kibigo Farm Limited together with the consent to transfer the land to Kibigo Farm Limited.

3. **Kenya Ports Authority Land Dispute LR No. (12161)-correct LR. NO. 16121**

Ministry to provide the following information:-

- a) The title deed for the land and current ownership;
- b) Details of acquisition of the land by Kenya Ports Authority
- c) Information regarding the sale, transfer and or sub-division of the said land;

6. **NGATI FARMERS COOPERATIVE SOCIETY LR NOS. 2662, 1380 AND 8398**

LR. No. 2662 - L.R. No. 24022

The owner of the land is Maiella Limited of P. O. Box 5095, Nairobi in the Republic of Kenya. The land is a new grant registered under the Registration of Titles Act in pursuance of a surrender registered in the Government Lands Registry at Nairobi in volume H.17 folio 148/22.

The land measures five thousand (5000) acres or thereabouts and is referenced as LR No. 2662 as delineated on the land survey Plan No. 82721.

The term of the land is Nine hundred and forty nine years (949) w.e.f. 1/4/1965. The user is for agricultural purpose only and attracts an annual rent of Kshs. 1134/=

The land was transferred to Ngati Farmers' Cooperative Society Limited on the 18th July 1974 for a sum of Kshs. 770,000/=

A surrender to the Government of Kenya was registered in consideration of approval of a sub-division scheme. **(Copy of title attached)-Appendix (xvi)**

LR. No. 1380 – (LR. No. 24023)

The owner of the land is Mailla Limited of O. O. Box 5095, Nairobi in the Republic of Kenya. The land is a new grant registered under the Registration of Titles Act in pursuance of a surrender registered in the Government Land Registry at Nairobi in volume H.17 folio 148/26.

The land measures 8245 acres or thereabouts and is referenced as land Reference No.1380 as delineated on Land Survey Plan Number 82361. The term of the land is Nine hundred and forty nine (949) years w.e.f. 1/11/1964.

The user of the land is to be used for agricultural purpose only with an annual rent of (Kshs. 2480). The land was transferred to Ngati Farmers' Cooperative Society Limited on 18/7/1974.

A surrender to the Government of Kenya was registered in consideration of approval of a sub-division scheme (**copy of title attached**)- **Appendix (xvii)**

LR. No. 8398 - (LR. 12167)

The registered owner is Mr. Harold Ashe Murray of P. O. Box Ngong in the said colony. The land is a grand registered under the Registration of Title Ordinance Cap 160.

The land measures 3463 acres or thereabouts and is referenced as land Reference Number 8398 as delineated on land survey plan Number 54349. The term of the land is nine hundred and eighty three (983) with effect from 1ST January 1955.

The user of the land is to be agricultural purpose only with an annual rent of Kshs. 692/60 (revisable).

The land was transferred to Ngati Farmers' Cooperative Society Limited on the 18th July, 1974. The land was surrendered for sub-division in exchange of two new grants registered as LR. 35901 of 149.719 ha and LR. 143757 of 1,252 ha. (**copy attached**) – **Appendix (xviii)**.

The two new grants were eventually transferred to Kenya Power Company Limited currently known as Kenya Electricity Generating Company Limited.

a) **The progress in addressing the conflict;**

The Meeting has been scheduled between the Ministry and the local Member of Parliament that will address the security concern by mid-November.

- b) **Steps being taken to ensure title deeds are neither issued nor any subdivisions being done on the land until the dispute is resolved.**

The respective Land Registrar has been instructed to put a restriction on the land to ensure that no further dealings on the land are undertaken.

Restrictions have been placed on the above parcels to prohibit any further dealings on the land.

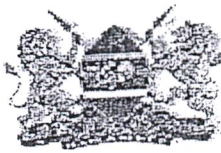
7. **Parcels of Land held by Egerton University**

As had already been agreed in our earlier meeting, the Ministry is yet to receive official request from the Departmental Committee on Lands to undertake such valuation. The request will indicate the LR Nos. and their exact location to guide this exercise.



Dr. Fred Matiang'i
AG. CABINET SECRETARY

12th October, 2015



Annex 2

**OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND COORDINATION
OF NATIONAL GOVERNMENT**

Telegrams: DISTRICTER Naivasha
Telephone: Naivasha 050-2020014
Email: dcnaiivasha@gmail.com
When replying please quote

THE DEPUTY COUNTY COMMISSIONER
NAIVASHA SUB-COUNTY
P.O. BOX 11
NAIVASHA

Ref.No.REG.25/7 VOL.I/(85)

3rd December, 2014

The Sub-County Co-operative Officer,
NAIVASHA SUB-COUNTY

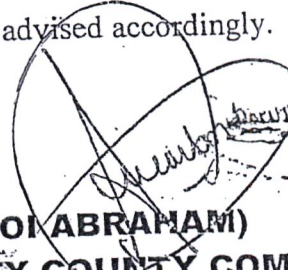
**RE: NGATI FARMERS CO-OPERATIVE SOCIETY
SPECIAL GENERAL MEETING**

Reference is made to the above mentioned matter.

This is to communicate the decision of the Sub-County Security Committee that the above mentioned meeting should be rescheduled to another date because our Security personnel will be fully engaged conducting sensitive security operations on the material date and will be doing so for another two weeks or so.

I propose we hold a consultative meeting the soonest possible with the Sub-County Security and Intelligence Committee members so that we can set a new date.

Please be advised accordingly.


(KEMBOI ABRAHAM)
DEPUTY COUNTY COMMISSIONER
NAIVASHA SUB-COUNTY

DEPUTY COUNTY COMMISSIONER
P.O. Box 11-20117
NAIVASHA

Copy to:

County Commissioner
NAKURU COUNTY

County Director of Co-operatives
NAKURU



Anexex 3

REPUBLIC OF KENYA

MINISTRY OF INDUSTRIALIZATION AND ENTERPRISE DEVELOPMENT

Tel: Naivasha 050-2030148

DEPARTMENT OF CO-OPERATIVE
DEVELOPMENT,
P.O. BOX 563-20117,
NAIVASHA.

Ref: CS/1098/VOL.V/(87)

And date

18th November, 2014

TANGAZO! TANGAZO! TANGAZO!

MKUTANO MAALUM-(SPECIAL GENERAL MEETING)

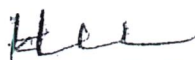
NGATI FARMERS CO-OPERATIVE SOCIETY LIMITED:

OFISI YA AFISA WA VYAMA VYA USHIRIKA WILAYANI NAIVASHA INAWATANGAZIA WANACHAMA (SHARE HOLDERS) WOTE WA CHAMA CHA USHIRIKA CHA NGATI (NGATI F.C.S. LIMITED) KWAMBA KUTAKUWA NA MKUTANO MAALUM (SPECIAL GENERAL MEETING) MNAMO SIKU YA ALHAMISI TAREHE NNE MWEZI WA DECEMBER MWAKA HUU (04.12.2014) KATIKA UWANJA WA CHAMA, ULIYOKO KARIBU NA KITUO CHA BIASHARA, MAIELLA, KUENZIA SAA TANO (11.00 A.M) ASUBUHI.

MKUTANO HUU UMEPANGWA KULINGANA NA KIFUNGO CHA 27(8) KATIKA SHERIA YA VYAMA VYA USHIRIKA (CO-OPERATIVE SOCIETIES ACT, CAP.490)

AGENDA YA MKUTANO HUU NI UCHAGUZI WA WANAKAMATI.
WATAKAO SHIRIKI KATIKA UCHAGUZI NI WANACHAMA HALISI.

DISTRICT CO-OPERATIVE
OFFICER
NAIVASHA


(HANIFA WABOMBA)
FOR SUB-COUNTY CO-OPERATIVE OFFICER
NAIVASHA

C.C
The Commissioner for Co-operative Development
NAIROBI.

The County Commissioner for Co-operative
NAKURU.
Deputy County Commissioner,
NAIVASHA.



Annex 4

REPUBLIC OF KENYA

MINISTRY OF INDUSTRIALIZATION AND ENTERPRISE DEVELOPMENT

Tel: Naivasha 050-2030148

DEPARTMENT OF CO-OPERATIVE
DEVELOPMENT,
P.O. BOX 563-20117,
NAIVASHA.

Ref: CS/1098/VOL.V/(93)

And date

8th December, 2014

TANGAZO! TANGAZO! TANGAZO!

MKUTANO MAALUM-(SPECIAL GENERAL MEETING)

NGATI FARMERS CO-OPERATIVE SOCIETY LIMITED:

OFISI YA AFISA WA VYAMA VYA USHIRIKA WILAYANI NAIVASHA INAWATANGAZIA WANACHAMA (SHARE HOLDERS) WOTE WA CHAMA CHA USHIRIKA CHA NGATI (NGATI F.C.S.LIMITED) KWAMBA KUTAKUWA NA MKUTANO MAALUM (SPECIAL GENERAL MEETING) MNAME SIKU YA JUMATANO TAREHE ISHIRINI NA NNE MWEZI WA DECEMBER MWAKA HUU (24.12.2014) KATIKA UWANJA WA CHAMA, ULİYOKO KARIBU NA KITUO CHA BIASHARA, MAIELLA, KUENZIA SAA TANO (11.00 A.M) ASUBUHI.

MKUTANO HUU UMEPANGWA KULINGANA NA KIFUNGO CHA 27(8) KATIKA SHERIA YA VYAMA VYA USHIRIKA (CO-OPERATIVE SOCIETIES ACT, CAP.490)

AGENDA YA MKUTANO HUU NI UCHAGUZI WA WANAKAMATI.
WATAKAO SHIRIKI KATIKA UCHAGUZI NI WANACHAMA HALISI.



(N.M. OMARI)
SUB-COUNTY CO-OPERATIVE OFFICER
NAIVASHA

C.C
The Commissioner for Co-operative Development
NAIROBI.

The County Commissioner for Co-operative
NAKURU.
Deputy County Commissioner,
NAIVASHA.

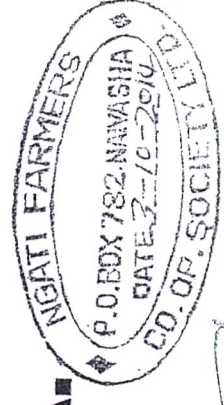
TANGAZO! TANGAZO! (3/10/2014)

**WANACHAMA WOTE WA NGATI F.C.S. LIMITED
WANAJULISHWA YA KWAMBA, KAMISHINA WA
VYAMA VYA USHIRIKA AMEITISHA MKUTANO
MAALUM WA WANACHAMA SIKU YA IJUMAA,
TAREHE 17/10/2014 KUANZIA SAA TANO KAMILI.**

**MKUTANO UTAKUWA KATIKA UWANJA WA
SOCIETY KULE MAIELLA.**

**KATIKA MKUTANO HUO UCHAGUZI WA
WANAKAMATI UTAFANYIKA.
TAFADHALI HUDHURIA.**

Annex 5



Patrick Karanja

PATRICK KARANJA (CHAIRMAN)

CC: SUB-COUNTY COOPERATIVE OFFICER - NAIVASHA

Annex 6

OFFICE OF THE PRESIDENT
PROVINCIAL ADMINISTRATION

Telegrams: DISTRICTER" Naivasha
Telephone: Naivasha 050-2020014
When replying please quote



THE DISTRICT COMMISSIONER
NAIVASHA DISTRICT
P.O. BOX 11
NAIVASHA

Ref. No. REG.25/7 VOL.I/64

19th July, 2012

District Officer

KONGONI

OCS – KONGONI

**RE: SPECIAL GENERAL MEETING NG'ATI FARMERS CO-
OPERATIVE SOCIETY LIMITED**

Further to District Co-operative Officer's letter reference CS/1098/VOL.V/(58) dated 16th July 2012 concerning the above subject, this office has today the 19th day of July 2012 cancelled the above meeting which was scheduled for 2nd August 2012 on security grounds until further notice.

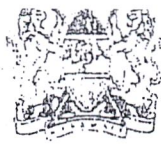

M. K. KIONI

**FOR: DISTRICT COMMISSIONER
NAIVASHA DISTRICT**

/CC: Chief

MAIELLA LOCATION

Ngati Farmers Co-operative Society



Annex 7

REPUBLIC OF KENYA

MINISTRY OF CO-OPERATIVE DEVELOPMENT AND MARKETING

Tel: Naivasha 050-2030148

When replying please quote
Ref: CS/1098/VOL.V/(57)

DISTRICT CO-OPERATIVE OFFICE,
NAIVASHA DISTRICT,
P.O. BOX 573-20117,
NAIVASHA.

And date

16TH JULY, 2012

TANGAZO! TANGAZO! TANGAZO!

MKUTANO MAALUM-(SPECIAL GENERAL MEETING)

NGATI FARMERS CO-OPERATIVE SOCIETY LIMITED:

OFISI YA AFISA WA VYAMA VYA USHIRIKA WILAYANI NAIVASHA INAWATANGAZIA WANACHAMA(SHARE HOLDERS)WOTE WA CHAMA CHA USHIRIKA CHA NGATI (NGATI F.C.S.LIMITED) KWAMBA KUTAKUWA NA MKUTANO MAALUM(SPECIAL GENERAL MEETING)MANMO SIKU YA ALHAMISI TAREHE MBILI MWEZI WA AGOSTI MWAKA HUU(02.08.2012) KATIKA UWANJA WA CHAMA,ULIYOKO KARIBU NA KITUO CHA BIASHARA,MAIELLA KUANZIA SAA TANO(11.00 A.M)ASUBUHI.

MKUTANO HUU UMEPANGWA KULINGANA NA KIFUNGO CHA 27(8) KATIKA SHERIA YA VYAMA VYA USHIRIKA (CO-OPERATIVE SOCIETIES ACT, CAP.490)

YATAKAYOJADILIWA NI:

MWELEKEO WA CHAMA (THE WAY FORWARD FOR THE SOCIETY.)



(N. M. OMARI)

DISTRICT CO-OPERATIVE OFFICER
NAIVASHA

Annex 10

REPUBLIC OF KENYA
IN THE CO-OPERATIVE TRIBUNAL AT NAIROBI
CASE NO. 575 OF 2014

MINISTRY OF INDUSTRIALIZATION
& ENTERPRISE DEVELOPMENT
NAIROBI REGISTRY
9 JAN 2015
No.
P. O. Box 30547-00100
GPO, NAIROBI, KENYA.
CLAIMANT

PATRICK KARANJA MWAHUKI

VS

NGATI FARMERS CO-OPERATIVE
SOCIETY LIMITED

RESPONDENT

ORDER

THIS APPLICATION dated 18th December, 2014 coming up for hearing interparties on this 7th day of January, 2015 **AND UPON HEARING** the Counsels for both parties **IT IS HEREBY ORDERED:-**

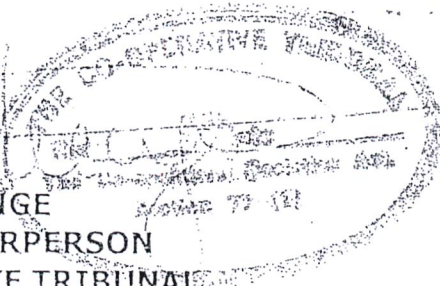
"BY CONSENT:-

1. **THAT** the Commissioner for Co-operative Development do call for a special general meeting of the Respondent in compliance with the provisions of the Co-operative Societies Act.
2. **THAT** the Commissioner for Co-operative Development do ensure that the security situation is conducive for the said meeting to be held.
3. **THAT** mention on 12/02/2015 to confirm the position and for further orders."

Given under my hand and the Seal of this **Honourable Tribunal** on this 7th day of January, 2015.

ISSUED on this 8th day of January, 2015

B. W. MATHENGE
DEPUTY CHAIRPERSON
CO-OPERATIVE TRIBUNAL



MINISTRY OF INDUSTRIALIZATION
& ENTERPRISE DEVELOPMENT
MAIN REGISTRY
8 JAN 2015
No.
P. O. Box 30547-00100
GPO, NAIROBI, KENYA.

Secretary

Look at this in
light with when the
ministry paid the
money for purchase

DD
Chman
13/2/15

Annex 12

NGATI FARMERS CO-OPERATIVE SOCIETY
P. O BOX 782
NAIVASHA

16th April 2014

THE PERMANENT SECRETARY,
MINISTRY OF ENERGY,

NYAYO HOUSE,

P. O BOX 30582-00100

NAIROBI.

Dear Sir,

For PRINCIPAL SECRETARY
MINISTRY OF ENERGY AND PETROLEUM
NYAYO HOUSE
P.O. BOX 30582-00100
NAIROBI

**RE: FRAUDULENT ACQUISITION BY KENGEN OF LR NO. 8398/2 OWNED
BY NGATI FARMERS CO-OPERATIVE SOCIETY.**

WE the undersigned are Bonafide and Genuine members and shareholders of Ngati Farmers Co-operative society.

We wish to register our protest in the strongest words possible against KENGEN'S UNILATERAL acquisition of a huge chunk of our society's land for Geothermal Development contrary to the wishes of the society to settle its members.

You are familiar with the Company's Act as well as Co-operative Societies Act with mandatory and statutory stipulation that the affairs of the society are managed by a board of management who can only transact business on the authority of a SPECIAL RESOLUTION adopted by the majority of members and/or shareholders attending a general, special and/or extra ordinary general meeting.

The current Directors and/or management board of Ngati Farmers Co-operative Society were elected 21 years ago and have not been re-elected ever since and are in office

ILLEGALLY . The said Directors and/or Board of management are in office fraudulently and have no **LEGAL CAPACITY** to transact any business on behalf of Ngati Farmers Co-operative Society. The gist of the matter is that NO SPECIAL RESOLUTION has been passed by members and shareholders of Ngati Farmers Co-operative Society in a General meeting to sanction and authorize the purported sale of a portion to wit LR NO. 8398/2 to KENGEN and/or any other public authority.

WE are familiar with the land Compulsory Acquisition Act where land required and/or needed for public facilities and/or utility is in compulsorily acquired. Nevertheless such compulsory acquisition is preceded by **PROMPT** compensation after due diligence like a qualified land valuer's report of the current market value of and/or property is availed.

Furthermore any business transaction between KENGEN and Ngati Farmers Co-operative society must be ABOVE BOARD. There must be transparency and accountability in the whole deal and comply with accounting principles and good governance and that any payment to Ngati Farmers Co-operative Society must be by cheque in the name of the vendor to wit Ngati Farmers and that the said cheque must be payable to the society and that any withdrawal of cash in the society's bank account must be authorized by members and shareholders in a general, special and/or ordinary general meeting.





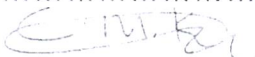
From the foregoing it is ABSOLUTELY CLEAR that you owe the members and shareholders of Ngati Farmers Co-operative Society an explanation of the ongoing theatrics, fraudulent and corrupt activities between KENGEN officials and an **ILLEGALLY CONSTITUTED** board of directors and/or management board of directors of Ngati Farmers Co-operative Society.

TAKE NOTICE UNLESS your office takes urgent remedial measures to address the pertinent issues raised in the penultimate paragraphs above.

WE, the undersigned and hundreds of our members and shareholders of Ngati Farmers Co-operative Society will organize demonstrations and forcefully repossess the whole LR NO. 8398/2 the lawful property of the society after the EXPIRY OF FOURTEEN (14) days from the date hereof.

Thanking you in anticipation of urgent remedial measures to the mutual benefits of both parties to restore STATUS QUO before fraudulent encroachment of the society's land enclave.

WE, the undersigned so petition your good offices.

NAME:	ID NO	SIGNATURE:
CHAIRMAN: MR. NGUGI NJOROGE	
VICE-CHAIRMAN: MR. KINYANJUI WAINAINA NJAU	0327882	
JEREMIAH NJOKA MUCHIRI	433535	
JOSEPH CHEGE KARIUKI	
HANNAH WAMBUI	

CC. THE MANAGING DIRECTOR
KENGEN

REPUBLIC OF KENYA



Annex 30

**MINISTRY OF INDUSTRIALIZATION & ENTERPRISE
DEVELOPMENT
OFFICE OF THE COMMISSIONER FOR CO-OPERATIVE
DEVELOPMENT**

Telegrams: CO-OPS NAIROBI
Telephone; 020-2731531, 0704
097020/1/2/3, 0788484840/41
FAX 020-240096
When replying please quote

SOCIAL SECURITY HOUSE, NAIROBI
BISHOPS ROAD,
P.O. BOX 30547 - 00100 G.P.O.
NAIROBI

Date: 26/11/2013

MOIED/CS/1098

**The County Co-Operative Commissioner
Nakuru County
NAKURU**

**RE: NG'ATI FARMERS CO-OPERATIVE SOCIETY
PETITION TO THE COMMISSIONER TO CALL A SPECIAL
GENERAL MEETING**

The above matter refers.

Some of the members of the above mentioned society have sought the intervention of the Commissioner for Co-operative Development to call for a special general meeting. Their request is rightly so premised on the fact that the current management committee has not convened any general meeting for the last six years. This is in contravention of the Co-operative Societies Act.

It is also apparent that the society is no longer engaged in any economic activity. We are aware also that there is a pending court case filed in Nakuru High Court by these members as against the management committee of the society raising inter alia issues to do with illegal allocation of society land to non members. The existence of the case does not in any way impede the execution of statutory function of the office of the Commissioner.

Looking at the various correspondences (attached) and the issues raised by these members, it is our considered view that the society deserves the holding of a special general meeting. From the foregoing, we are kindly advising that you make arrangements to call for a special general meeting on a date you deem convenient. This, we believe, will afford members an opportunity to discuss issues affecting their society once and for all.



ABUTA TOM
FOR COMMISSIONER FOR CO-OPERATIVE DEVELOPMENT

Cc. County Executive Committee Member
In Charge of Co-Operatives
Nakuru County
NAKURU

Annex 31

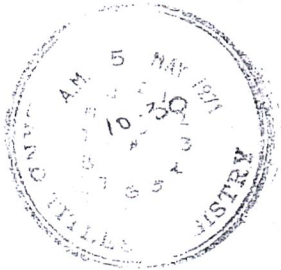


15
11/10/7
12/3/71

REPUBLIC OF KENYA

122

THE REGISTRATION OF TITLES ACT
(Chapter 281)



GRANT: No. I.R. 24022

ANNUAL RENT: Sh. 1,134/- (revisable)

TERM: 949 years from 1.4.1965

KNOW ALL MEN BY THESE PRESENTS in pursuance of a Surrender registered in the Government Lands Registry at Nairobi in Volume H.17 Folio 148/22

the President of the Republic of Kenya hereby GRANTS unto MAIELLA LIMITED a limited liability company having its registered Office at Nairobi (Post Office Box Number 5095) in Kenya

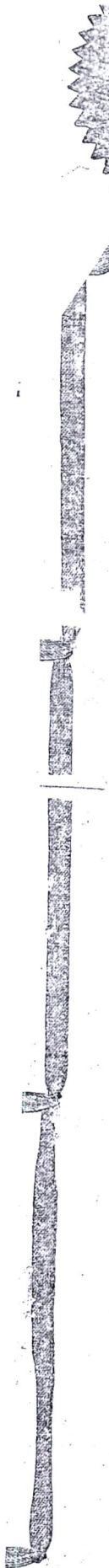
(hereinafter called "the Grantee") ALL that piece of land situate South West of Naivasha Town in the Nakuru

District containing by measurement five thousand (5000)

acres or thereabouts that is to say Land Reference Number 2662

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 82721 deposited in the Survey Records Office at Nairobi TO HOLD for the term of Nine hundred and forty-nine years (949)

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



- (i) from the first day of April One thousand nine hundred and sixty-five until the thirty-first day of December One thousand nine hundred and ninety an annual rent of Shillings one thousand one hundred and thirty-four
- (ii) from the first day of January One thousand nine hundred and ninety-one until the thirty-first day of December Two thousand and twenty an annual rent calculated at the rate of two per centum on the unimproved value of the land in the year One thousand nine hundred and ninety;
- (iii) for every subsequent period of thirty years an annual rent calculated at the rate of three per centum on the unimproved value of the land in the last year of the preceding period of thirty years;

(b) the provisions of the ^{Government} ~~Crown~~ Lands Act (Chapter 280)

and (c) the following Special Conditions (namely):—

SPECIAL CONDITIONS

1. The land shall be used for agricultural purpose only.
2. The value of the developments required by Section 33 of the said ^{Government} ~~Crown~~ Lands Act to be effected on the land within the first three years and the first five years respectively of the term shall be Shillings twenty-four thousand eight hundred (Shs.24,800/-) and Shillings thirty-seven thousand two hundred (Shs.37,200/-) of which sums Shillings six thousand (Shs.6,000/-) and Shillings nine thousand (Shs.9,000/-) shall be in respect of permanent developments

PROVIDED that any development which may have been effected on the land in conformity with a covenant or condition contained in the Lease or Grant by virtue of which the land was formerly held shall be deemed to have been effected in pursuance of this condition.

IN WITNESS WHEREOF I, JAMES ALOYSIUS O'LOUGHLIN the Commissioner of Lands have by Order of the President hereunto set my hand this 12th day of March One thousand nine hundred and seventy-one in the presence of :-

[Signature]
REGISTRAR OF TITLES

[Signature]
A.O. Rugh

G.P.K. 2486-200-8/65

LANDS REGISTRY—NAIROBI, KENYA
REGISTRATION OF TITLES ACT
REGISTERED AS NO. LR. 24022/1.
Presented 5. 5. 1971
10.30 am *[Signature]*
Registrar of Titles

Trace
Compl

DISTRICT OF NAKURU
 Locality S.W of Naivasha Town

Meridional District South A. 37 6 & 9
A. III. C

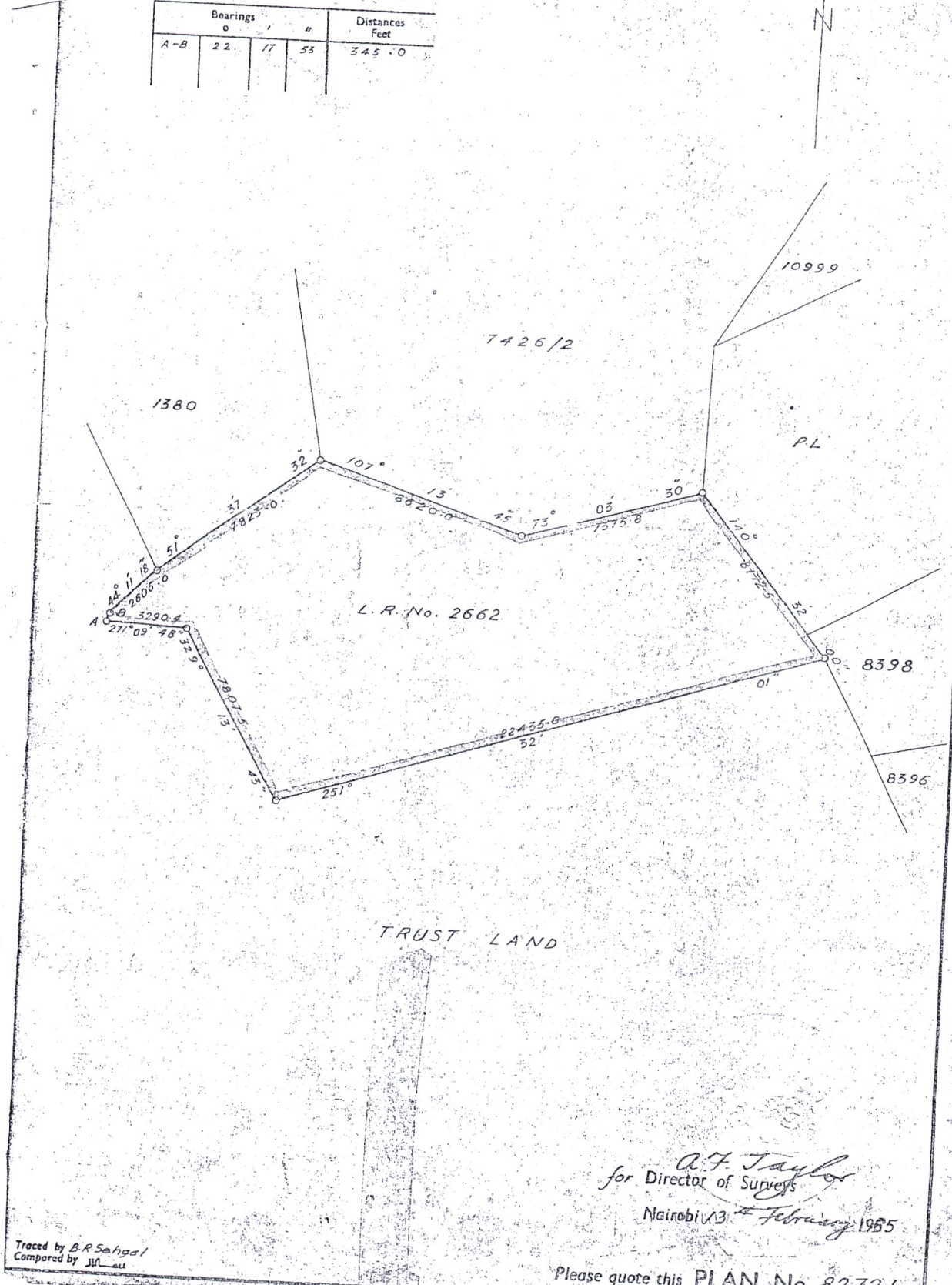
Scale: 1 in. 50,000 or 4166.66 Feet to 1 Inch

Land Reference No. 2662
 (Orig. No. _____)

Subdivision No. _____ (Orig. No. _____)
 of Section No. _____

Area = 5,000 Acres (Approx)

Bearing	Bearings			Distances Feet
	o	'	"	
A-B	22	17	53	345.0



Traced by B.P. Sehgal
 Composed by J.M. au

A.F. Taylor
 for Director of Surveys
 Nairobi, Kenya
 February 1965

Please quote this PLAN No. 82721

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

2 ^{The} Change to Land and Agricultural Bank of Kenya.

Presentation No. 123 Date of Registration 5.5.71 Registrar of Titles Bahaj

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS

791
792 3
(7/74 (10/10/73))

TITLE Discharge of Charge of No 2 above.

(with other lands)

Presentation No. 791 Date of Registration 18th July, 1974 Registrar W. M. M. M.

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS

~~(12/10/73)~~ 4

TITLE Transfer to Ngati Farmers Co-operative Society Limited. (with other lands)

In the 22nd reg.

Presentation No. 792 Date of Registration 18th July, 1974 Registrar W. M. M. M.

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

454-5
11955

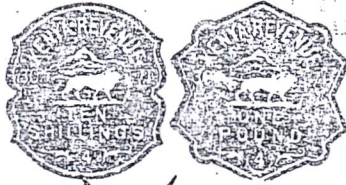
Surrender to the Government of Kenya L.R. 2662/1 in consideration of the approval of a subdivision scheme.

Area 173.8 Ha.

Presentation No. 455 Date of Registration 8-11-95 Registrar D. M. M.

Ref No. 95/1
R

Annex 32



REPUBLIC OF KENYA

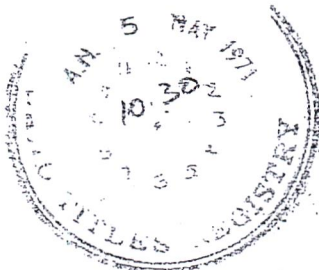


f1/101-
12/3/71

120

THE REGISTRATION OF TITLES ACT

(Chapter 281)



GRANT: No. I.R. 24023

ANNUAL RENT: Sh. 2,480/- (revisable)

TERM: 945 years from 1.11.1964

KNOW ALL MEN BY THESE PRESENTS that in pursuance of a Surrender registered in the Government Lands Registry at Nairobi in Volume H.8 Folio 414/26

the President of the Republic of Kenya hereby GRANTS unto MAIELLA LIMITED a limited liability company having its registered Office at Nairobi (Post Office Box Number 5095) Kenya

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

District containing by measurement eight thousand two hundred and forty-five (8245)

acres or thereabouts that is to say Land Reference Number 1380

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 82361 deposited in the Survey Records Office at Nairobi TO HOLD for the term of Nine hundred and forty-five (945) years

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

- (i) from the **First** day of **November** One thousand nine hundred and **sixty-four** until the thirty-first day of December One thousand nine hundred and ninety an annual rent of Shillings **two thousand four hundred and eighty (Shs.2480/-)**
- (ii) from the first day of January One thousand nine hundred and ninety-one until the thirty-first day of December Two thousand and twenty an annual rent calculated at the rate of two per centum on the unimproved value of the land in the year One thousand nine hundred and ninety;
- (iii) for every subsequent period of thirty years an annual rent calculated at the rate of three per centum on the unimproved value of the land in the last year of the preceding period of thirty years;

(b) the provisions of the **Government** ~~Crown~~ Lands Act (Chapter 280)

(c) the easement excepted and reserved by a Lease registered in Volume H.8 Folio 424/1

and (d) the following Special Conditions (namely):—

SPECIAL CONDITIONS

1. The land shall be used for agricultural purpose only.

Government

2. The value of the developments required by Section 33 of the said ~~Crown~~ Lands Act to be effected on the land within the first three years and the first five years respectively of the term shall be Shillings thirty-seven thousand seven hundred and eighty (Shs.37,780/-) and Shillings fifty-six thousand six hundred and seventy (Shs.56,670/-) of which sums Shillings six thousand (Shs.6,000/-) and Shillings nine thousand (Shs.9000/-) shall be in respect of permanent developments

PROVIDED that any development which may have been effected on the land in conformity with a covenant or condition contained in the Lease or Grant by virtue of which the land was formerly held shall be deemed to have been effected in pursuance of this condition.

IN WITNESS WHEREOF I, JAMES ALOYSIUS O'LOUGHLIN the Commissioner of Lands have by Order of the President hereunto set my hand this *12th* day of *march* One thousand nine hundred and seventy-one in the presence of :-

Alexander
REGISTRAR OF TITLES

A.O. Roughlin

~~COLONY & PROTECTORATE OF KENYA~~

Land Reference No. 1380

(Orig. No. _____)

DISTRICT OF NAKURU.

Locality S.W. of Naivasha Township

Meridional District $\frac{\text{South A. 37}}{\text{A. III c}} 6$

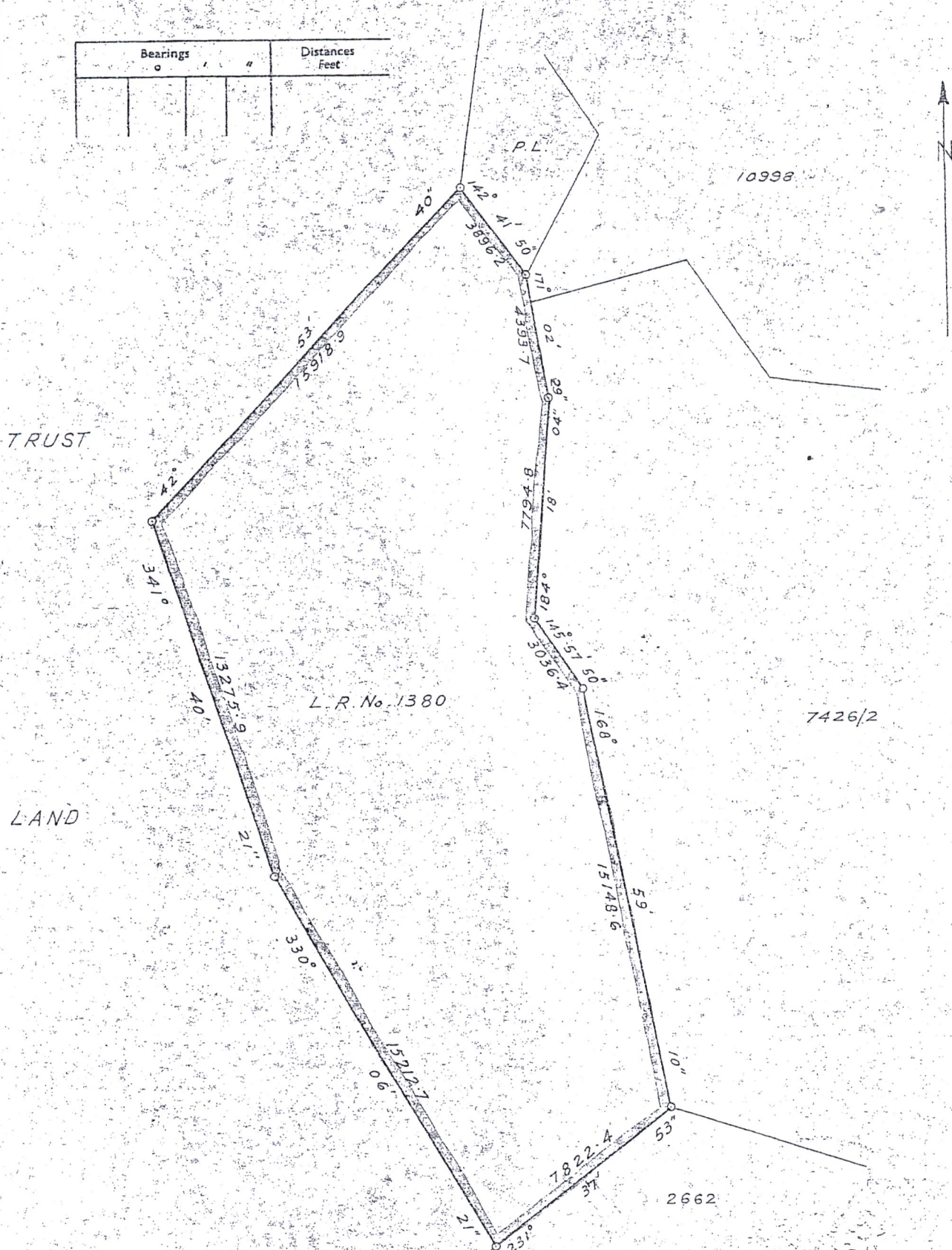
Subdivision No. _____ (Orig. No. _____)

of Section No. _____

Scale: 1 in. 50,000 or 166.66 Feet to 1 Inch

Area = 8245 Acres (Approx.)

Bearings		Distances
°	'	Feet



V. E. Cartwright

for Director of Surveys

2

Charge to the Land and Revenue Office of Kenya

Registration No. 123 Date of Registration 5.5.71

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Discharge of Charge of No. 2 above

791
792
774

3

(with the 5th land)
Registration No. 791 Date of Registration 18th July, 1974

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Transfer to Ngati Farmers Co-operative Society Limited (with other lands)

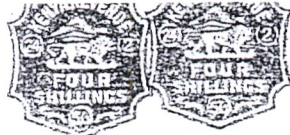
4

Registration No. 792 Date of Registration 18th July, 1974

4545
1195
5

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Surrender to the Government of Kenya LR 1380/2 in consideration of the Approval of a Subdivision scheme 1499.2 Ha.

Registration No. 454 Date of Registration 8-11-95



Stamp Duty ...
Annex 33

APPENDIX (xviii)

COLONY AND PROTECTORATE OF KENYA
THE REGISTRATION OF TITLES ORDINANCE
(CHAPTER 160)

3956

GRANT: Number I.R.12167
ANNUAL RENT: Shillings 692/60 (revisable)
TERM: 983 years from 1.1.1955

KNOW ALL MEN BY THESE PRESENTS that in pursuance of a Surrender registered as Number I.R.7155/4 the GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY AND PROTECTORATE OF KENYA on behalf of HER MOST GRACIOUS MAJESTY QUEEN ELIZABETH THE SECOND under and by virtue of the powers vested in him hereby GRANTS unto HAROLD ASHE MURRAY of Post Office Ngong in the said Colony (hereinafter called "the Grantee") ALL that piece of land situate South of Lake Naivasha in the Naivasha District of the said Colony containing by measurement Three thousand four hundred and sixty-three acres or thereabouts that is to say Land Reference Number 8398 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 54349 deposited in the Survey Records Office at Nairobi TO HOLD for the term of Nine hundred and eighty-three years from the first day of January One thousand nine hundred and fifty-five SUBJECT to (a) the payment in advance on the first day of January in each year of the rents hereinafter prescribed (namely):-

- (i) from the first day of January One thousand nine hundred and fifty-five until the thirty-first day of December One thousand nine hundred and sixty an annual rent of Shillings Six hundred and ninety-two and Cents sixty (Shs.692/60) (revisable);
- (ii) from the first day of January One thousand nine hundred and sixty-one until the thirty-first day of December One thousand nine hundred and seventy-five an annual rent calculated at the rate of one per centum on the unimproved value of the land in the year One thousand nine hundred and sixty;

- (iii) from the first day of January One thousand nine hundred and seventy-six until the thirty-first day of December Two thousand and five an annual rent calculated at the rate of two per centum on the unimproved value of the land in the year One thousand nine hundred and seventy-five;
 - (iv) for every subsequent period of thirty years an annual rent calculated at the rate of three per centum on the unimproved value of the land in the last year of the preceding period of thirty years;
- (b) the provisions of the Crown Lands Ordinance (Chapter 155) and (c) the following Special Conditions (namely) :-

SPECIAL CONDITIONS

1. The land shall be used for agricultural purposes only.
2. The value of the developments required by Section 38 of the said Crown Lands Ordinance to be effected on the land within the first three years and the first five years respectively of the term shall be Shillings Eighteen thousand six hundred and fifty-two (Shs. 18,652/-) and Shillings Twenty-seven thousand nine hundred and seventy-two (Shs. 27,972/-) of which sums Shillings Six thousand (Shs. 6,000/-) and Shillings Nine thousand (Shs. 9,000/-) shall be in respect of permanent developments.

IN WITNESS WHEREOF I, ARTHUR WILLIAM HORNER, the Commissioner of Lands have by Order of the Governor hereunto set my hand this Twenty second day of January One thousand nine hundred and fifty-six in the presence of :-

J.R.G. Chikwa

K.A.O. Bay Ch.

REGISTRAR OF TITLES

LAND TITLES REGISTRY—COLONY OF KENYA

INLAND DISTRICT REGISTRY REGISTERED No. 12/67/1

Presented 15/1/56

Time 10 am

J.R.G. Chikwa
 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Transfer to Maella Limited

2

Registration No. 4587 Date of Registration 14.12.56.

M. J. ...
Registrar of Titles

COLONY & PROTECTORATE OF KENYA

DISTRICT OF NAIVASHA

Locality S. of Lake Naivasha

Meridional District South A 37 1
A III d

Scale: 1 in. 62500 or 5208.33 Feet to 1 Inch

Land Reference No. 8398

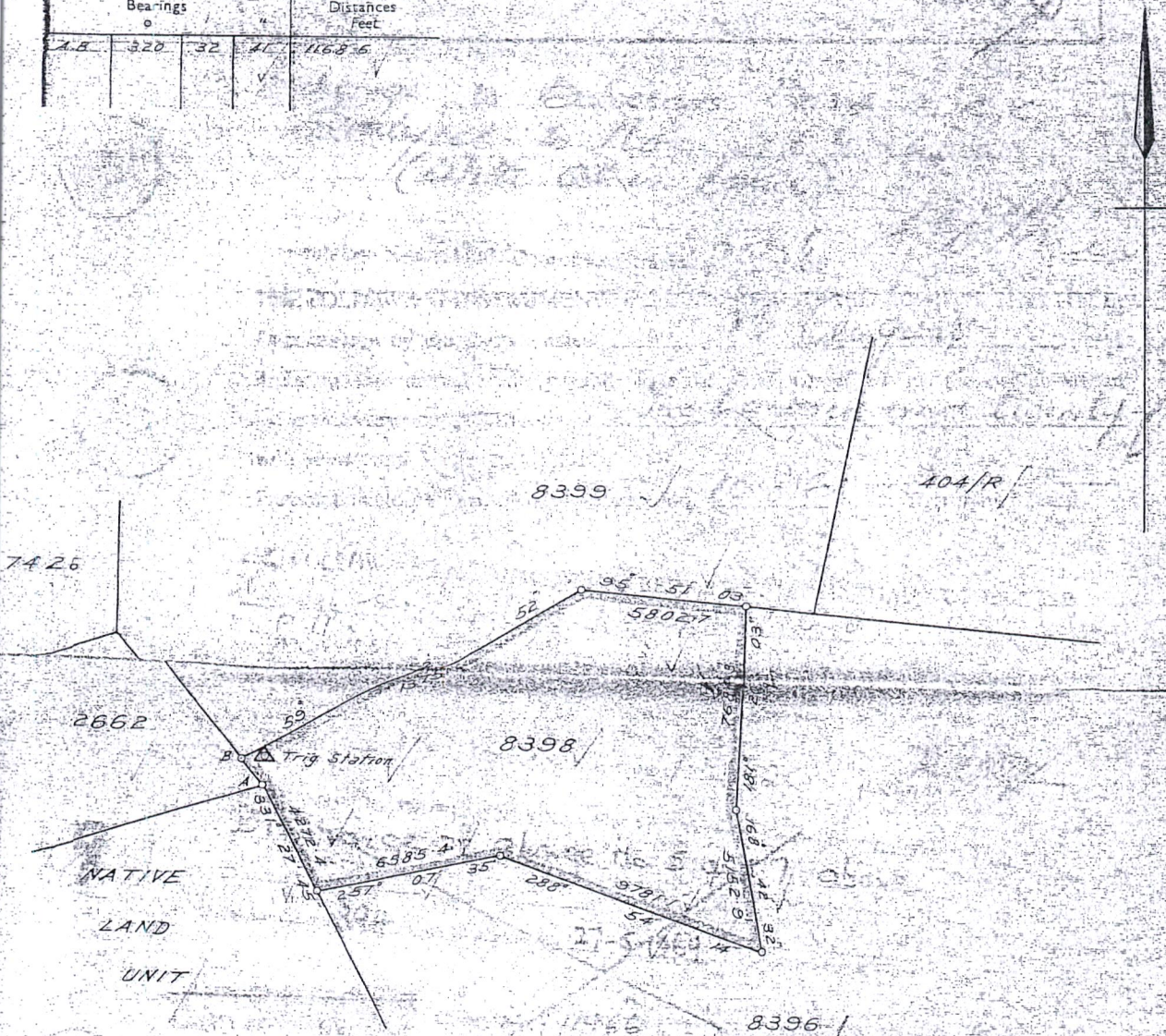
(Orig. No. _____)

Subdivision No. _____ (Orig. No. _____)

of Section No. _____

Area = 3463 Acres (Approx.)

Bearings			Distances	
o	'	"	Feet	
116	32	41	116	5.6



NOTE

Land within a radius of 20 feet from centre of Trig Station is reserved to Government.

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Memo of Charge with the Land and Agricultural Bank of Kenya

Presentation No. 10588 Date of Registration 14-12-56

Mu
Registrar of Titles

~~LAND DEVELOPMENT~~

No. 10/1959

~~LAND PRESERVATION~~

Order by The Minister of Agriculture,

Animal Husbandry and Water Resources in respect of the above Land.

Presentation No. 8844 Date of Registration 1-10-1959

(With other lands)

[Signature]
Registrar of Titles and Crown Lands

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Charge to Barclays Bank S.C.O.
Subject to Nos 3 & 4 above
(With other lands)

Presentation No. 2021 Date of Registration 25/2/60

[Signature]
Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:

DECLARATION by the CROWN dated 9th August 1961

declaring the annual rent payable for the land comprised in the within-written

GRANT/CERTIFICATE OF TITLE to be Sh. Two hundred and twenty-five

with effect from 1st January, 1961.

Presentation No. 322 Date of Registration 10.8.61

[Signature]
Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Charge to Barclays Bank S.C.O.
Subject to Nos 3, 4 & 5 above

Presentation No. 225 Date of Registration 9.4.62

[Signature]
Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Discharge of charge No 5 and 7 above

Presentation No. 894 Date of Registration 27-5-1969

[Signature]
Registrar of Titles

~~LAND DEVELOPMENT~~

~~LAND PRESERVATION~~

Order No. 1/1966

BY THE MINISTER OF AGRICULTURE

in respect of the above land

Presentation No. 212 Date of Registration 7-4-66

[Signature]
Registrar

~~LAND DEVELOPMENT~~

No. 2/1963

~~LAND PRESERVATION~~

Order by The Minister of Agriculture,

Animal Husbandry and Water Resources in respect of the above Land.

Presentation No. 494 Date of Registration 18-3-63

[Signature]
Registrar of Titles and Crown Lands

~~LAND DEVELOPMENT~~

~~LAND PRESERVATION~~

Order No. 1/1966

BY THE MINISTER OF AGRICULTURE

in respect of the above land

3

4

5

6

7

8

8

8

REPUBLIC OF KENYA

DISTRICT OF *NAKURU*

Locality *S. of Lake Naivasha*

Reference Map *South A 37 4*

Land Reference No. *12859*

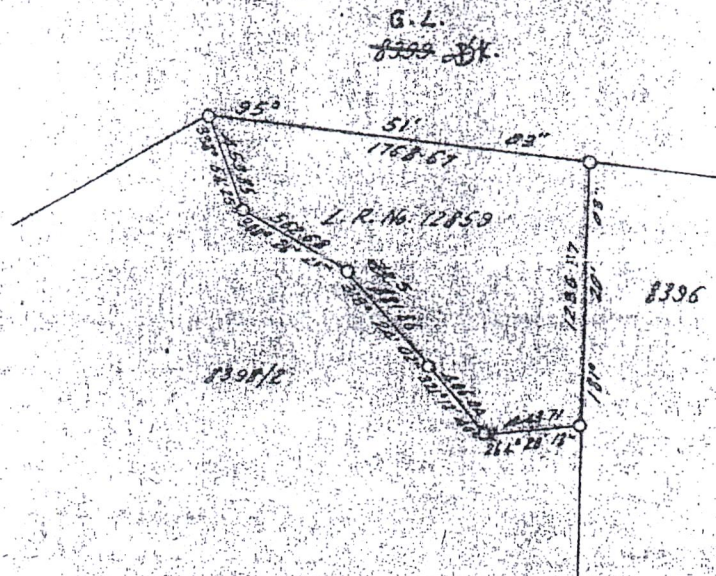
(Orig No. *B398/11*)

Sub-division No. _____ (Orig No. _____)

of Section No. _____

Area = *149.7 Ha. (Approx)*

Bearings		Distances	
o		Metres	



plans, drawings, elevations of buildings) shall have of Lands or such other conditions and specifications. The Commissioner shall not give up the land adequately.

all buildings at any time down by the Local Authority.

submit a block plan to show buildings clearly defined and drainage has been provided.

serving or adjoining.

charge or otherwise depending on the decision of the President.

The owner shall have the right to lay down water pipes, telegraphs, or underground and the same shall be done in accordance with any existing electric mains or other public works.

The owner shall be liable for the cost of whatsoever works of the Local Authority upon the land, and the same shall be paid by the President.

Rent payable hereunder shall be assessed by the Commissioner.

D. Thiga
Licensed Surveyor

D. G. Kariuki
for Director of Surveys

Scale 1 in 25000

Nairobi 5th June 1931

Traced by *M.T.*
Compared by *M.T.*

DEED PLAN No. *B3995*

SPECIAL CONDITIONS

1. The land and buildings shall be used for Geothermal Generating Station
2. The Grantee shall not erect any further buildings until full and proper plans, drawings, elevations and specifications thereof (including block plans showing the positions of buildings) shall have been approved in writing by the Local Authority and by the Commissioner of Lands or such other person as may be appointed for the purpose. Such plans, drawings, elevations and specifications shall be submitted in triplicate to the Commissioner of Lands. The Commissioner shall not give approval unless he is satisfied that the proposals are such as to develop the land adequately satisfactorily.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. The buildings shall not cover a greater area of the land as may be laid down by the Local Authority in its by-laws.
5. Before any further buildings may be occupied or used the grantee shall submit a block plan to the Local Authority and Commissioner of Lands with the position of such buildings clearly defined showing a system of drainage which will satisfy them that such system of drainage has been properly constructed to such satisfaction in both cases to be expressed in writing.
6. The grantee shall construct and maintain all roads, drainage and sewers serving or adjoining the plot at its expense.
7. The Grantee shall not subdivide the land and shall not sublet transfer charge or otherwise dispose of the land or any subdivision thereof without the prior consent in writing of the President.
8. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes telegraphs, telephone wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing routes main or service pipes or the telephone or telegraph wires and electric mains aforementioned.
9. The Grantee shall pay such taxes, charges, duties, assessments or out goings of whatsoever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
10. The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty third and sixty-sixth year of the term. Such rental will be at a rate of 4% per cent of the unimproved freehold value of the land as assessed by the Commissioner of Lands.

IN WITNESS WHEREOF I, JAMES RAYMOND NJENGA
the Commissioner of Lands have by Order of
the President hereunto set my hand this
19th day of October
One thousand nine hundred and eighty-one in
the presence of:-

J. Njenga

[Signature]
REGISTRAR OF TITLES

LAND TITLES REGISTRY - NAIROBI, KENYA
REGISTRATION OF TITLES ACT

REGISTERED AS No. 12 359 01/1

Produced on 22nd October 1981

Time 3:30 PM *[Signature]*
Registrar of Titles



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

CERTIFICATE OF TITLE

TITLE NUMBER I.R. 143757

TERM: 983

YEARS FROM 1-1-1955

ANNUAL RENT SHILLINGS 373,000/=

I HEREBY CERTIFY that *(Revisable)*
NGATI FARMERS CO-OPERATIVE SOCIETY
LIMITED, a Limited Liability Company Incorporated in
the Republic of Kenya.

of Post Office Box Number 71 NAIVASHA

in the Republic of Kenya pursuant to the Act registered as Number I.R.
is/are now registered proprietor(s) as Lessee(s)

from the Government of the Republic of Kenya for the term of Nine Hundred Eighty Three

years for the 1st day of January One Two thousand Nine Hundred

and Fifty five of ALL that piece of land situate South of Lake Naivasha

in the Nakuru District containing by measurement One thousand two hundred fifty two
hectares/acres (less road reserve of (1,252) Ha.

hectares/acres) or thereabouts and being Land Reference Number 8398/2

(Original Number)

as delineated on Land Survey Plan Number 110994

annexed to the said Transfer hereto

SUBJECT however to the revisable annual rent of Shillings Three hundred seventy three thousand
and to the Act Special Conditions Encumbrances and other matters specified in the Memo-
randum hereunder written.

IN WITNESS whereof I have hereunto set my hand and seal this 4th

day of April Two thousand and Thirteen

(Signature)
Registrar of Titles

MEMORANDUM

(Signature)
P. M. Njani's '204

(1) The Government Lands Act (Chapter 280).

(2) The Special Conditions contained in a Grant registered as Number I.R. 12167/1

GPK 5395-15m-7/2008

This certificate of title is issued under section 70 of Registration of Titles Act
(cap.281) and is in part substitution of a Grant registered as IR 12167/1

LAND TITLES REGISTRY - NAIROBI REGISTRY
REGISTRATION OF TITLE ACT

REGISTERED AS No. I.R. 143757/1

PRESENTED 4th April 2013

TIME 12.20 P.M.

(Signature)
Registrar of Titles

P. M. Njani's '204

REPUBLIC OF KENYA

DISTRICT OF NAIYUBU

Locality South of Lake Malindi

Reference Map South A 37

Land Reference No. 12829

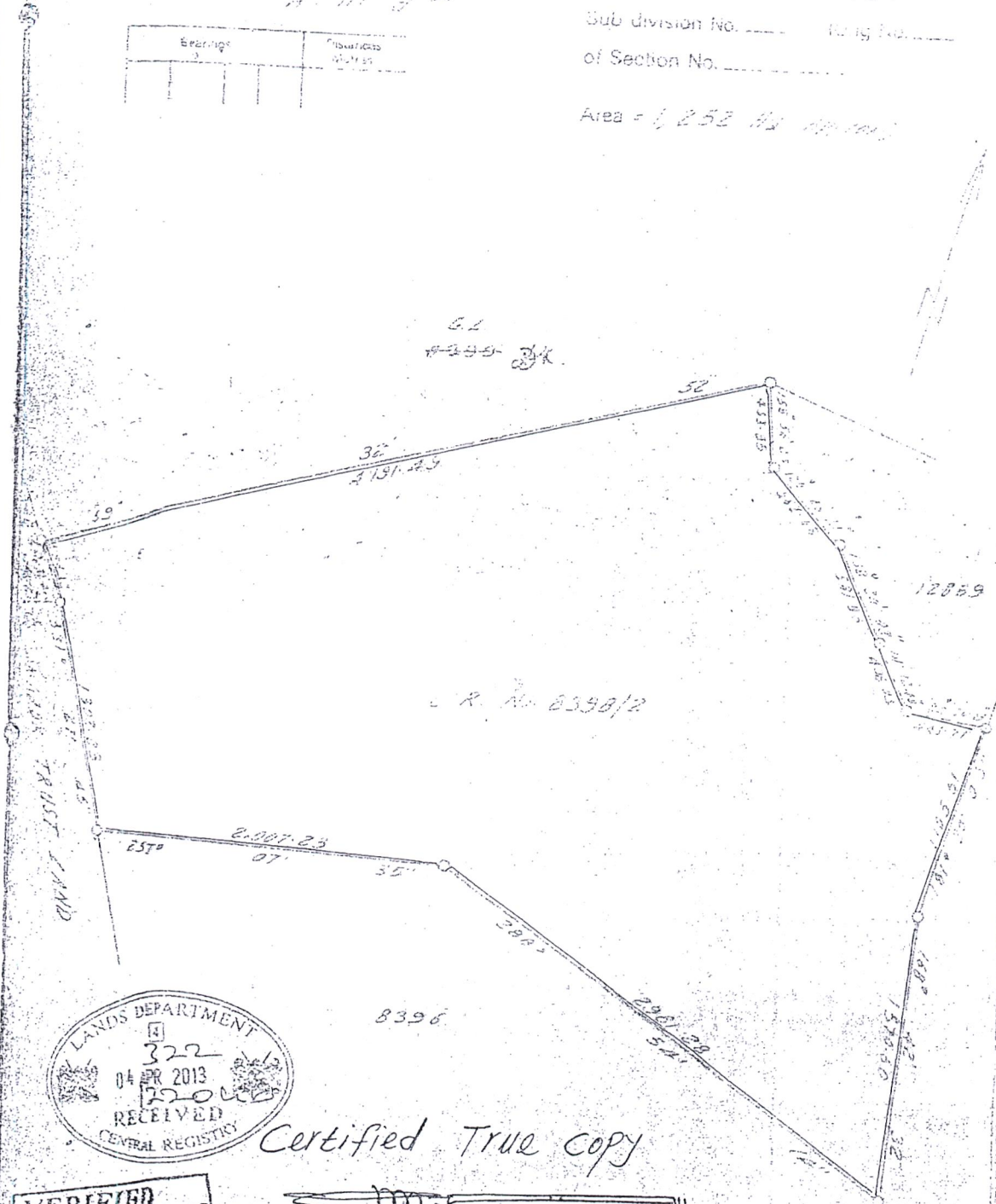
(Or) No. _____

Sub division No. _____

of Section No. _____

Area = 6,252 sq. m.

Bearings	Distances



Certified True Copy

[Signature]

J. KIBIRU

for Director of Surveys
Nairobi 28th MARCH 2013

VERIFIED
Serial No. 1341348
Verified By *[Signature]*
For Director of Surveys

28th March 2013

[Signature]
Licensed Surveyor

[Signature]
for Director of Surveys

Scale 1:25,000

Nairobi 5th June 1951

DEED PLAN No. 710994

NOS.	NAME	PLOT NOS.	ID NO.	SIGN
1	Peninah Wangui	405		
2	Johnstone Mjoroge	216	61148182	
3	Njeri chege		0480549	
4	Paul Mbugua	344	11388437	
5	John Ngig. Nganga	427	0911572	
6	Rahab wambui K	443	0913779	
7	Mbury Gichaga	448	0912873	
8	Kinuthia Muli	204	4673894	
9	Mukuthu HIGI	534	0911373	
10	Simon Mjoroge	568	0912698	
11	ESIR wanyu	136	4265813	
12	Karanja Kigathi	409	3470527	
13	Gitonga Mwangura	191	0491890	
14	Margaret Njeri M	284	4265632	
15	Gitonye Wangina	389	2943663	
16	Lucy wambui I	116	4265167	
17	Loti Mutwa	150	2321340	
18	Boniface Keruki	312	0912209	
19	JOEL MWANGI	56	2333660	
20	James Ngugi	310	5776141	
21	David Isora G	483	4265060	
22	Eunice Muthoni M	303	4264899	
23	ELIJAH Mwangi K	342	12833350	
24	Lucy wangari M	482		
25	Grace Muthiri	194	4428935	
26	Gomy Muriuki Muli	73	3109945	
27	Hannah Gathimba	141	4264652	
28	Peterson Mwangi M	43	0911724	
29	David Karanja	567	6148063	
30	Moses Githai	229	0912108	
31	PAUL NIEKA MURAGARA	228	7151216	
32	JAMES KARANJA N	81	23171852	
33	James Mbugua	359	1860189	

Annex 13

**NG'ATI FARMERS CO-OPERATIVE
SOCIETY**

MEMORANDUM

TO

**HIS EXCELLENCY THE PRESIDENT OF
THE REPUBLIC OF KENYA**

HONOURABLE UHURU MUIGAI KENYATTA

CONTACT PERSON

MR. JOHN KIMANI KUNG'U

P.O BOX 1123

NAIVASHA.

TEL: 0718-680651

JOHN KIMANI KUNG'U & MANY OTHERS

P.O BOX 1123

NAIVASHA.

TEL: 0718680651

**HIS EXCELLENCY THE PRESIDENT OF THE
REPUBLIC OF KENYA.**

**RE: CORRUPTION IN ALLOCATION AND SALE OF LAND IN NG'ATI FARMERS CO-
OPERATIVE SOCIETY IN MAIELLA- NAIVASHA CONSTITUENCY.**

We undersigned are original members of the mentioned land buying Co-operative society situated in Naivasha constituency, Nakuru County Maiella Ward.

The society comprises of 581 original members whom in 1964 bought shares in this land Co-operative society which bought sixteen thousand three hundred and thirty eight acres of land (16,338 acres) which were to be subdivided among the members.

The above acreage is in three parcels of land LR NO. 2662, 1380 and 8398/2.

In ¹⁹⁹³1995 LRS 2662 and 1380 respectively were partially subdivided into 863 parcels amounting to 3836 acre approximately. The above subdivision (phase 1) were not disputed by the members. After the Honourable court granted the Maasai community 4207 acres the balance of 3219 acres was to be subdivided amongst 581 members in equal shares.

The directors of the society directed all members to contribute Kshs. 46,000/= each towards surveying of land (this translated to 581 x Kshs. 46,000 = Kshs. 26,261,000/=).

However, to our dismay, we realized that the directors, Surveyor and local administration had already corruptly recruited two hundred and fifty five non-members increasing the membership from 581 to 836. It was further discovered that the purported surveyor did not put beacons on the land and that even the said surveyor was allocated land.

Kengen LTD had on 30th September, 2009 visited members and said they were interested with land parcel NO LR 8398/2.

On 17th October, 2010 the sitting committee informed the members that their land could not be purchased by the Kengen LTD as their procurement manager had stated there were no funds for that project.

Due to the above information we paid survey fee and balloted the parcels where each parcel measured five and half (5 ½) acres and allocated a parcel to each and every member.

Surprisingly, the sitting committee and Kengen LTD corruptly transacted sale of LR 8398/2 without the members consent and in August 2014 the committee forcefully started issuing cheques worth Ksh 415,000 (four hundred and fifteen thousand Kenya shilling) being assumed cost of 5 ½ acres.

Your Excellency the members could not understand how in Kenya today, the cost of 5 ½ acres of land could cost Kshs. 415,000. Therefore, they protested. However your Excellency with the collaboration of the sub- county commissioner the society's office was moved from Ng'ati farm to the sub county commissioner's office to date.

This was and is in full knowledge of the local administration.

We the undersigned since then, we have visited the local Co-operative officer, Sub County commissioner, cabinet secretary Internal security, Cabinet Secretary Ministry of Energy and National land commission without any success or redress pertaining to these problems.

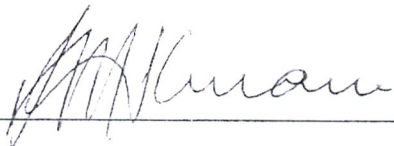
For over six years the directors have never convened general meetings and no elections has been held in accordance with the society constitution rendering the directors to be in the office un- constitutional and illegally.

Your Excellency we believe strongly that your intervention will mark an end to our sufferings.

1. An urgent members general meeting which has been opposed by the directors and provincial administration.
2. Members balloted for Olkaria phase but have not been shown their parcel of land and it has not been subdivided.
3. The directors should account for the extra members and public utility land has been grabbed.
4. The balance of the land LR1380 and 2662 be resurveyed.
5. We have not sold our land LR8398/2 therefore if any transaction has been done, it should be reversed.
6. Produce the members register showing name address occupation and number of shares held, serial numbers & receipts and the date of admission.
7. Assets register and location of the assets.
8. Production of minutes book for general meeting and committee meetings.

Yours sincerely,

John Kimani Kung'u



Tel: 0718680651

Tonny Muhia Munyi



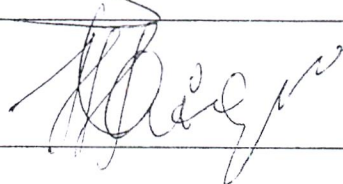
Tel: 0721725348

Sospeter Kamau



Tel: 0722834170

Wachira Wairegi



Tel: 0722655289

WE the petitioners are 400 in number and have our INALIENABLE RIGHTS under the Co-operative Societies Act to elect and/or be elected to run the affairs of our Ngati farmers co-operative Society. We wish to highlight the following pertinent issues pertaining to our society.

1. THAT no GENERAL and/or SPECIAL and/or Extra-ordinary Meeting of our society has been called and/or Convened for the last six(6) years in NAKED CONTRAVENTION of the Societies Act, the Repository Guiding Authority of the parent companies Act.
2. THAT the commission for Co-operative Development and the Nakuru County Co-operative Commissioner have Oversight SOVEREIGN (Residual) Management over the Governance and Authority of all Co-operative Societies under their Jurisdiction and the said Statutory Oversight Authorities have supported our Constitutional Democracy and co-operative Societies Right to take part in the management of our society.
3. THAT our Constitutional, Democratic and Society Right to CONVENE General, Special and/or Extra-ordinary General Meeting have been SABOTAGED and/or Thwarted by the Provincial Administration whose hands have been CORRUPTLY GREASED and/or have their cronies illegally allocated Land on our farms in BLATANT Disregard of the constitution and the Co-operative Societies Act.
4. THAT the members and Shareholders of NGATI Farmers co-operative Society have their constitutional and co-operative Societies rights to CONVENE, participate in a general, special and/or Extraordinary General meeting to address and resolve the problems bedeviling their society and that such rights CANNOT be lightly taken away on flimsy grounds of "SECURITY".
5. THAT a small but powerful clique supported by the Provincial Administration has unlawfully usurped the management affairs of Ngati farmers co-operative society and have unilaterally thwarted any and all attempts to convene and hold a general special and/or Extra-ordinary general meeting to remove this dastardly corrupt management committee and elect a patriotic management committee to steer the affairs of Ngati Farmers co-operative Society especially and Specifically to foresee the final Survey, Balloting and issuance of the title deeds to members and shareholders of the society aforesaid.
6. THAT the Provincial Administration whose hands have been corruptly greased and/or have their cronies illegally allocated land to the chagrin and detriment of the bonafide members and/or shareholders of our Society Refused and/or Neglected to issue a PERMIT and/or LICENCE the members and Shareholders of Ngati Farmers co-operative Society to come and/or hold a General, Special and/or Extra-ordinary general meeting to address and/or resolve the teething problem of our society especially by Democratically electing patriotic Management Board on Flimsy "SECURITY" Grounds.
7. THAT a general, Special and/or Extra-ordinary General meeting of 581 and/or 1000 members as the case may be can be contained and/or controlled by 100 elite squad of the dreaded General Service Unit unless the Provincial Administration fiscally benefits by Maintaining and deliberately perpetuating the STATUS QUO
8. THAT the current management Committee are impostors masquerading as Directors and/or Management Committee of Ngati Farmers co-operative Society have UNLAWFULLY, ILLEGALLY, CRIMINALLY and without Authority of the members and shareholders of the members and shareholders of the society aforesaid in a general,

special and/or Extra-ordinary General meeting HIVED and/or EXCISED 3093 acres of the societies land to wit LR No. 8398/2 and ILLEGALLY sold the land to KENGEN without any valuation from qualified land valuer. The proceeds of such UNLAWFUL and/or FRAUDULENT sale of the societies land has not been accounted for and the consideration has ended in the pockets of the management committee who are in office illegally and contrary to the wishes of members and shareholders of the society aforesaid without VALUATION from a Qualified valuer and fattened their potbellies, their cronies and /or their administrative and political enclaves.

9. **THAT** the impostors masquerading as Directors and/or management Board of Ngati Farmers co-operative Society have dished all the Prime Land to themselves, their families, cronies and/or dished such Land to new non-original members to lucratively fatten their potbellies.
10. **THAT** the original bonifide members and shareholders of the society aforesaid have been allocated land vegetated with cactus and rocks hardly able to eke a living therefrom.
11. **THAT** land is a very EMOTIVE, SENSITIVE and EXPLOSIVE issue that can be IGNITED by a single match stick and cause a conflagration that can re-activate Mt. Longonot into an active volcano UNLESS handled with dexterity and MAXIMUM care by releasing pressure and tension through Democratic Election of a popular and Patriotic Management Board of the society aforesaid.
12. **THAT** no public servant in the Provincial Administration however powerfully and politically well connected can Unlawfully SUBVERT the will of the members and shareholders of Ngati Farmers Co-operative Society to CONVENE and HOLD a General, Special and/or Extra-ordinary General meeting to elect the Director and/or Management Board of Ngati Farmers co-operative society as per the statutory and mandatory provision of the co-operative societies Act as per the Law established.
13. **THAT, WE** the undersigned on behalf of all the 581 Bonafide Members and shareholders of Ngati Farmers Co-operative Society humbly Petition you to:
 - a) Direct the commissioner for Co-operative Development to Jointly and severally with the Nakuru county co-operative commissioners
 - b) TO convene a special and/or Extra-ordinary general meeting of Ngati Farmers co-operative Society
 - c) TO co-operate and Act in liaison with the police to the Exclusion of the Provincial Administration to maintain security during the concurrence of the special and/or Extra-ordinary General meeting aforesaid.
14. **THAT** the said special and/or Extra-ordinary General meeting be supervised by the commissioner for Co-operative Development assisted by the Nakuru county Co-operative commissioner.
15. **THAT** the police especially the Elite Squad of the General Service Unit do provide Security during the concurrence of the special and/or Extra ordinary General meeting for the election of democratic and popular management Board of Ngati Farmers co-operative Society.

NOS.	NAME	PLOT NOS.	ID NO.	SIGN
1	Peninah Mangu	405		
2	Johnstone Mjoroge	216	6148182	
3	Njeri chege		0480549	
4	Paul Mburua	344	11388437	
5	John Njiru Njiriga	427	0911572	
6	Rahab wambui K	443	0913779	
7	Mbury Gachaga	448	0912873	
8	Kinuthia Mula	204	4673894	
9	Mukuthu Mugi	534	0911773	
10	Simon Mjoroge	568	0912898	
11	ESPER Wanjira	136	4265813	
12	Karanja Kigathi	409	3470527	
13	Gitonga Mwangura	191	0481890	
14	Margaret Njeri M	284	4265632	
15	Estonye Wangina	389	2943663	
16	Lucy wambui I	116	4265167	
17	Loti Mutwa	150	2321340	
18	Benface Karuki	312	0912209	
19	JOEL MWANGI	56	2333660	
20	James Ngathu J	310	5776141	
21	David Isira G	483	4265060	
22	Eunice Muthoni M	303	4264899	
23	ELIJAH NJIRI K	342	12833350	
24	Lucy wangari M	482		
25	Stage Muthira	194	4428935	
26	Tommy Muriuki Muthira	73	3109945	
27	Hannah Gathimba	141	4264652	
28	Peterson Mwangi M	48	0911774	
29	David Karanja	567	6148063	
30	Moses Githai	229	0912108	
31	PAUL NJIRI MURAGARA	228	7151216	
32	JAMES KARANTA N	81	23171852	
33	Jeanes Mburua	359	1860189	

NOS.	NAME	SHARE PILOT NOS.	ID NO.	SIGN
34	RICHARD MACHARIA	137	4265113	RM
35	Zipporah WACEKE	333	4268572	Z.W
36	THUITA WANEITU	399	1338937	Thuita
37	GITHIGU IGOGO	282		
38	KABIRA MBUEWA	522	4265063	
39	WAITHAKA KIMANI	485	0953841	W.K
40	NJOI MURURIA	557	7917369	N.M
41	WAKABA KINYATI			
42	AGNES INAMBUI K	59		
43	WACHIRA KIMANI	459	4264782	W.K
44	SOSPETER KAMAU	33	6257429	S.K
45	AGNES WAMBUI K		4265802	
46	WAMUTUA GAENGA	392		
47	KARANJA KIGITHI	409	3470527	K.K
48	MARULA KARONE	325	0910323	M.K
49	MUMUKI THUKU		4265553	M.K
50	GITHINI GITAU	539	4265328	G.K
51	KINYUA KASITA	200	4264961	K.K
52	DEIDAR GALEA	250	1118290	D.K
53	KABERI CATHURIA	367	9009504	K.K
54	ESTER NJERI M.	176		E.K
55	GEATU NJANGIRU	568	0912698	G.K
56	JULIUS K MWANGI	182	0912414	J.K
57	WANGIRI KANEETE		0913554	W.K
58	JOSEPH MUTUA	391	0476625	J.M
59	MALU KASERERE	516		M.K
	WAKABA			

CHARTER NO

54	JOHN WANDERI MWUA	178	ID 4265538	John wand
60	DEIER KURIA KIMANI	487	ID 8149325	John
61	JULIUS KIRIUKI MWANGI	169	ID 1339433	J Julius
62	MARGARET GATHONI NGUI	465	ID 4265001	Margret Gathoni
	Lucy Wathwa Mwangi			
63	Lucy Wathwa Mwangi	476	ID 1065739	Lucy WATH
64	Mwangi Kimani	507	0875097	Mwangi Kimani
65	Martha Wambui Kimani	366	4265108	MW
66	Kuria Gatanga	304	4264830	Kuria Gatanga
67	Njuguna Kamau	164	4265837	Njuguna
68	Mbuthia Kamau	226	4263848	Mbuthia
69	S. MORARA SATHI	517	4264376	S. Morara
70	FRANCIS N. MUITURIA	133	0911176	Francis
71	ESHER Mwangi Mwangi	444		Mwangi
72	Kimani Mwangi	14		Kimani
73	George Kiptula	106	4265048	George
74	Charles Mwangi	231	091284163	Charles
75	Gitau Kihuru	327	ID 4264859	Gitau
76	Joshua maina macharia	457	4265450	Joshua maina
77	Mbuthia Kamau	226	4265848	Mbuthia
78	Kamau Kariuki	384	1449116	Kamau
79	SUSAN NDUTA	419	11397343	Susan
80	NOTK WANJIRU	361	4265159	Wanjiru
81	KURIA NDUATI	361 441	4265312	Kuria
82	MARGARET WANJIRU	430	6432090	Margaret
83	MWANGI KAHIGA	30		Mwangi
84	NJAN Kabeere	516	4265442	Njan

Annex 1A

NGATI FARMERS CO-OP SOCIETY LTD.
P O BOX 782
NAIVASHA

19TH MARCH, 2012

THE COMMISSIONER OF CO-OPERATIVES DEVELOPMENT.

DURBAN,

RE: REQUEST FOR GENERAL MEETING BY MEMBERS OF NGATI FARMERS
CO-OPERATIVE SOCIETY LIMITED.

The members of the Ngati Farmers Co-operative Society hereby writes to you for request of a general meeting of all members as there are claims that need to be addressed through meeting by the committee to explain the corrupt subdivision of our land.

The following are some of the claims that the members are not satisfied with and they need explanation by the acting directors of the society.

1. The first claim is that the surveyor has done substandard work of land subdivision as there are missing beacons on the ground. The surveyor used footsteps to measure the land instead of using the correct units.
2. The second claim is that the acting committee has added extra members to the society. The initial members were five hundred and eighty one, but the extra member has increased to about eight hundred. This has been confirmed through the barrets that were cast by the members.
3. There are members who have planted trees and they were not considered during demarcation. This has led the members to cut down the trees and it is a danger to our environment.
4. Some members have lived for a long time almost fifty years at a place called Ngunyumu and there was an agreement by all members that those members will be considered during demarcation as they have developed the place and have permanent buildings.
5. The balloting was not fair.

The above and many more claims have led the members to request for a general meeting. We the undersigned representatives of the members. We request you to grant us a convenient meeting for all members so that these claims can be resolved.

Thank you in advance

Yours faithfully,

Members	ID No.
Hannah Wambui Gathimbu	4264652
Elijah Njenga Karanja	12833350
Johnson Njoroge Rinyiri	6148182

Sign.

Hannah Wambui
Elijah Njenga
Johnson

CC

Minister for Co-operative Development
P O Box 30028
NAIROBI

P.C.O
P O Box 1609
NAKURU

D.C.O
P O Box 573
NAIVASIA

Annex 15

NGATI FARMERS CO-
OPERATIVE SOCIETY,

P.O BOX 782,

NAIVASHA.

23RD MAY 2012,

THE DEPUTY COMMISSIONER,
MINISTRY OF CO-OPERATIVES,
P.O BOX 40811,
NAIROBI.

ATT. MR GICHUKI

Dear sir/madam

RE: SPECIAL GENERAL MEETING

Reference is made of our several visits to your office. Particularly on 21st march 2012 where we presented a memorandum requesting for a special General meeting (copier attached)

Further reference is made of our meeting in the District co-operatives officer's office at Naivasha on the 28th March 2012 where the same matter was discussed and agreed that a report was to be submitted by Ngati management committee and the district co-operative officer in a period of two weeks.

we have waited for the said report for over one and half months and the report which was verbally submitted to us on the 17th may 2012 was unsatisfactory and un acceptable.

Therefore since the report was from the D.C.O the surveyor and Ngati management committee. We member will not accept any further report from the same parties. We therefore recommend holding the special general meeting which will discuss the following and request any official from your office to chair the meeting:

- a) To elect a care taker committee.
- b) Sub-division of our land LR 8398/2, 1380, 2662 and 8398/2.
- c) Balloting system.
- d) Any other business.

A copy of the notice for the meeting to hereby attached.

Yours Faithfully,

The undersigned members

NB attached list.

C.C

- P.S ministry of co-operatives
- D.O Kongoni Division
- O.C.S Kongoni police station.
- D.C .O Naivasha.
- Area councilor.
- Management committee Ngati Farmers.

NG'ATI FARMERS CO-OPERATIVE SOCIETY

P.O. BOX, 71

NAIVASHA

Annex 16

10TH SEPT 2013

THE DISTRICT CO-OPERATIVE OFFICER
NAIVASHA DISTRICT
NAIVASHA OFFICE
NAIVASHA.

Dear Sir,

REF: REQUEST FOR URGENT GENERAL MEETING

We request for an urgent general meeting since it is overdue for the last one was held over six years ago.

The members would want to know the status of their assets and liabilities.

Members would want to be vanished with the auditor's report.

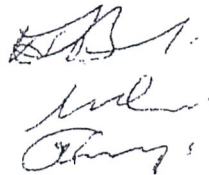
Members would want to know the position of sale of Olkaria Title.

Now that we are under the New Constitution, the members would request the co-operative office to sensitize them with the new co-operative rules.

We await your earliest convenient.

Yours faithfully,

Tonny Muhia Munyi: 0721 725 348
Julius Kariuki : 0716664087
Ngugi Njoroge : 0717 382 450
And 123 Others



- Cc
1. Deputy County Commissioner
 2. Member of Parliament Naivasha Constituency
 3. Member of County Assemble Maiella Ward
 4. OCPD Naivasha District and OCS Kungoni Police Station



REPUBLIC OF KENYA

Annex 17

MINISTRY OF CO-OPERATIVE DEVELOPMENT AND MARKETING

Tel: Naivasha 050-2030148

When replying please quote

Ref: CS/1098/VOL V/68

DISTRICT CO-OPERATIVE OFFICER,
NAIVASHA DISTRICT,
P.O. BOX 573-20117,
NAIVASHA.

13TH SEPTEMBER, 2013

THE CHAIRMAN,
NGATI F.C.S
P.O. BOX 782,
NAIVASHA

RE: CONSULTATIVE MEETING

A section of your membership has raised a number of concerns over the management of the society. The thrust of your case is that they would like a general meeting as soon as practicable for the purpose of addressing their concern.

In the face of the above this office finds it proper that a consultative meeting involving you management committee and themselves be held to chart the way forward in the circumstances.

Consequently you and your executive committee members are hereby invited to a consultative meeting scheduled to take place in this (DCOs) office on Wednesday 18th 2013 starting 11.am

By copy of this letter, Tony Muhia Munyi, Julius Kariuki and Ngugi Njoroge are requested the said meeting on 18th September 2013.

Please attend without fail and observe punctuality.

Thank you.

Annex 18

NG'ATI FARMERS CO-OPERATIVE SOCIETY
P.O. BOX 782
NAIVASHA

28TH OCT 2013

COMMISSIONER OF CO-OPERATIVES
P.O. BOX 14893-00800
NAIROBI

RE: NG'ATI FARMERS URGENT GENERAL MEETING

We refer to the letter dated 15th Oct 2013 from our advocates copy attached for ease of reference.

Subsequently the following correspondence is hereby attached relating to the same subjects.

- a. Letter dated 13th September 2013 from the D.C.O Naivasha
- b. Letter dated 10th September 2013 from ourselves to the D.C.O Naivasha
- c. Letter dated 23rd May 2012 from ourselves to your office
- d. Letter dated 19th March 2012 from ourselves to you

The above Matter has taken us over one year now and still we have not been granted our request.

We wish you take heed on the last paragraph of our advocates letter because our patience is now eroded to zero degree.

Please could you give a positive answer to the bearers of this letter

Your faithfully

The attached list of members

NB We understand our advocates has sent you a reminder.

Cc Attorney General.

Annex 19

NGATI FARMERS CO-OPERATIVE SOCIETY

P.O. BOX 1123 NAIVASHA

25 NOV 2013

THE PERMENANT SECRETARY
MINISTRY OF CO-OPERTATIVE
NAIROBI

RE: NGATI FARMERS URGENT GENERAL MEETING

We hereby draw your attention to our request for a general meeting in our society which has been denied by your offices since last year for reasons not communicated to us.

The following correspondence bears the witness how much we have struggle but no fruits,

- i. Letters dated 25th and 15th October 2013 to commissioner
- ii. Letter dated 28th October 2013 to commissioner
- iii. Letter dated 13th September 2013 from D.C.O. Naivasha
- iv. Letter dated 10th September 2013 to D.C.O. Naivasha
- v. Letter dated 19th July 2013 from D.C Naivasha
- vi. Letter dated 16th July 2013 from D.C.O Naivasha
- vii. Letter dated 23rd May 2013 to Commissioner
- viii. Letter dated 19th March 2013 to Commissioner.

We have followed the right procedure all through but we have been denied our constitutional rights because we should know the position of our assets if not liabilities and elect the committee that will treat the needs of the members to their satisfaction.

Please intervene in this matter before it gets out of hand.

Yours faithfully,



Ngugi Njoroge



Kinyanjui Wainaina



David Mukundi Kimani

And 123 others.

Cc:

Cabinet Secretary Ministry of co-operatives

Attorney General

REPUBLIC OF KENYA



Annex 20

**MINISTRY OF INDUSTRIALIZATION & ENTERPRISE
DEVELOPMENT
OFFICE OF THE COMMISSIONER FOR CO-OPERATIVE
DEVELOPMENT**

Telegrams: CO-OPS NAIROBI
Telephone: 020-2731531, 0704
097029/1/2/3, 0788484840/41
FAX 020-240096
When replying please quote

SOCIAL SECURITY HOUSE, NAIROBI
BISHOPS ROAD,
P.O. BOX 30547 - 00100 G.P.O.
NAIROBI

Date: 26/11/2013

MOIED/CS/1098

The County Co-Operative Commissioner
Nakuru County
NAKURU

**RE: NG'ATI FARMERS CO-OPERATIVE SOCIETY
PETITION TO THE COMMISSIONER TO CALL A SPECIAL
GENERAL MEETING**

The above matter refers.

Some of the members of the above mentioned society have sought the intervention of the Commissioner for Co-operative Development to call for a special general meeting. Their request is rightly so premised on the fact that the current management committee has not convened any general meeting for the last six years. This is in contravention of the Co-operative Societies Act.

It is also apparent that the society is no longer engaged in any economic activity. We are aware also that there is a pending court case filed in Nakuru High Court by these members as against the management committee of the society raising inter alia issues to do with illegal allocation of society land to non members. The existence of the case does not in any way impede the execution of statutory function of the office of the Commissioner.

Annex 21

NGATI FARMERS CO-OP SOCIETY LTD.
P O BOX 782
NAIVASIIA

19TH MARCH, 2012

THE COMMISSIONER OF CO-OPERATIVES DEVELOPMENT.

Dear Sir,

RE: REQUEST FOR GENERAL MEETING BY MEMBERS OF NGATI FARMERS
CO-OPERATIVE SOCIETY LIMITED.

The members of the Ngati Farmers Co-operative Society hereby writes to you for request of a general meeting of all members as there are claims that need to be addressed through meeting by the committee to explain the corrupt subdivision of our land.

The following are some of the claims that the members are not satisfied with and they need explanation by the acting directors of the society.

1. The first claim is that the surveyor has done substandard work of land subdivision as there are missing beacons on the ground. The surveyor used footsteps to measure the land instead of using the correct units.
2. The second claim is that the acting committee has added extra members to the society. The initial members were five hundred and eighty one, but the extra member has increased to about eight hundred. This has been confirmed through the barrots that were cast by the members.
3. There are members who have planted trees and they were not considered during demarcation. This has led the members to cut-down the trees and it is a danger to our environment.
4. Some members have lived for a long time almost fifty years at a place called Ngunivumu and there was an agreement by all members that those members will be considered during demarcation as they have developed the place and have permanent buildings.
5. The balloting was not fair.

The above and many more claims have led the members to request for a general meeting. We the undersigned representatives of the members. We request you to grant us a convenient meeting for all members so that these claims can be resolved.

Thank you in advance

Yours faithfully,

Members	ID No.	Sign.
Hannah Wambui Gathimbu	4264652	<i>Hannah Wambui</i>
Elijah Njenga Karanja	12833350	<i>Elijah Njenga</i>
Johnson Njoroge Runyiri	6148182	<i>Runyiri</i>

CC

Minister for Co-operative Development
P O Box 30028
NAIROBI

P.C.O
P O Box 1609
NAKURU

D.C.O
P.O Box 573
NAIVASHA

OFFICE OF THE PRESIDENT
PROVINCIAL ADMINISTRATION

Annex 22

Telegrams: DISTRICTER" Naivasha
Telephone: Naivasha 050-2020014
When replying please quote



THE DISTRICT COMMISSIONER
NAIVASHA DISTRICT
P.O. BOX 11
NAIVASHA

Ref. No. REG.25/7 VOL.I/64

19th July, 2012

District Officer

KONGONI

OCS – KONGONI

**RE: SPECIAL GENERAL MEETING NG'ATI FARMERS CO-
OPERATIVE SOCIETY LIMITED**

Further to District Co-operative Officer's letter reference CS/1098/VOL.V/(58) dated 16th July 2012 concerning the above subject, this office has today the 19th day of July 2012 cancelled the above meeting which was scheduled for 2nd August 2012 on security grounds until further notice.


M. K. KIONI
FOR: DISTRICT COMMISSIONER
NAIVASHA DISTRICT

✓ CC: Chief

MAIELLA LOCATION

Ngati Farmers Co-operative Society

NG'ATI FARMERS CO-OPERATIVE SOCIETY

P.O. BOX, 71

NAIVASHA

Annex 24

10TH SEPT 2013

THE DISTRICT CO-OPERATIVE OFFICER
NAIVASHA DISTRICT
NAIVASHA OFFICE
NAIVASHA.

Dear Sir,

REF: REQUEST FOR URGENT GENERAL MEETING

We request for an urgent general meeting since it is overdue for the last one was held over six years ago.

The members would want to know the status of their assets and liabilities.

Members would want to be vanished with the auditor's report.

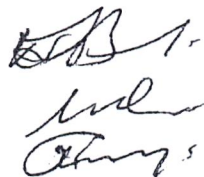
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Now that we are under the New Constitution, the members would request the co-operative office to sensitize them with the new co-operative rules.

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Yours faithfully,

Tonny Muhia Munyi: 0721 725 348
Julius Kariuki : 0716664087
Ngugi Njoroge : 0717 382 450
And 123 Others



- Cc
1. Deputy County Commissioner
 2. Member of Parliament Naivasha Constituency
 3. Member of County Assemble Maiella Ward
 4. OCPD Naivasha District and OCS Kongoni Police Station



REPUBLIC OF KENYA

Annex 25

MINISTRY OF CO-OPERATIVE DEVELOPMENT AND MARKETING

Tel: Naivasha 050-2030148

When replying please quote

Ref: CS/1098/VOL V /68

DISTRICT CO-OPERATIVE OFFICER,
NAIVASHA DISTRICT,
P.O. BOX 573-20117,
NAIVASHA.

13TH SEPTEMBER, 2013

THE CHAIRMAN,
NGATI F.C.S
P.O. BOX 782,
NAIVASHA

RE: CONSULTATIVE MEETING

A section of your membership has raised a number of concerns over the management of the society. The thrust of your case is that they would like a general meeting as soon as practicable for the purpose of addressing their concern.

In the face of the above this office finds it proper that a consultative meeting involving you management committee and themselves be held to chart the way forward in the circumstances.

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By copy of this letter, Tony Muhia Munyi, Julius Kariuki and Ngugi Njoroge are requested the said meeting on 18th September 2013.

Please attend without fail and observe punctuality.

Thank you.

NG'ATI FARMERS CO-OPERATIVE SOCIETY
P.O. BOX 782
NAIVASHA

Annex 26

28TH OCT 2013

COMMISSIONER OF CO-OPERATIVES
P.O. BOX 14893-00800
NAIROBI

RE: NG'ATI FARMERS URGENT GENERAL MEETING

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- b. Letter dated 10th September 2013 from ourselves to the D.C.O Naivasha
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The above Matter has taken us over one year now and still we have not been granted our request.

We wish you take heed on the last paragraph of our advocates letter because our patience is now eroded to zero degree.

Please could you give a positive answer to the bearers of this letter

Your faithfully

The attached list of members

NB We understand our advocates has sent you a reminder.

Cc Attorney General.

NG'ATI FARMERS CO-OPERATIVE SOCIETY

P.O BOX 1123

NAIVASHA

Annex 27

8TH JAN 2014

THE SUB COUNTY COMMISSIONER,
NAIVASHA SUB COUNTY,
NAIVASHA.

Dear Sir,

RE: SPECIAL GENERAL MEETING

We members of the above co-operative society wish to refer you to the notice of special general meeting dated 16th July 2012.

This meeting was canceled by a letter dated 19th July 2012 from your office on grounds of security. We wish to retaliate that this was not true as we are the residents of this area and we live harmoniously.

The commissioner of co-operative has granted us authority to have another general meeting vide letter dated 26th Nov 2013 but from the report received from the D.C.O Naivasha on 18th Dec 2013 is that we cannot hold the meeting due to the same issue of security.

We categorically state that the meeting is for members only to discuss issues pertaining to their assets and liabilities if any and therefore, the issue of security doesn't arise.

If your office feels there is no security then as the chairman of sub-county security please provide us with the security agents during the meeting.

Yours faithfully,

The undersigned members.

CC:

County commissioner Nakuru

Principal Secretary

Ministry of internal security

• MCA Maiella Ward

NG'ATI FARMER CO-OPERATIVE SOCIETY

P.O. BOX 1123

NAIVASHA

5TH MARCH 2014

Annex 28

THE CABINET SECRETARY,
MINISTRY OF INTERNAL SECURITY,
HARAMBEE HOUSE,
NAIROBI.

Dear Sir

RE: SPECIAL GENERAL MEETING

We refer to our meeting with you in your office on 12th Feb 2014 where we deliberated on the issues of the Nakuru County Commissioner refusal to grant the authority to hold a members general meeting due to issues of security.

Through hard struggle the ministry of Co-operative have granted us authority to hold a meeting via letter dated 26th Nov 2013 (copy attached)

Our prayer to you is to supply us with the security to enable us to hold the members special general meeting to discuss matters pertaining to our assets and liabilities.

Since we are made to understand that the sitting committee is selling portion of land LR8398/2 Olkaria to Kengen Ltd, we plead with you to grant the above as soon as possible

Yours faithfully.

The undersigned members.

Cc. the President

Speaker National Assembly.

Speaker Nakuru County Assembly.

NG'ATI FARMER COOPERATIVE SOCIETY

P.O. BOX 1123,

NAIVASHA

5TH MARCH 2014

Annex 29

THE CABINET SECRETARY
MINISTRY OF ENERGY
NAIROBI

Dear Sir:

RE: SALE OF LAND LR8398/2 OLKARIA

We the undersigned members wish to bring your attention to the following points in relations the our property Olkaria LR No 8398/2.

- a. Since the consulting Engineers surveyed the area and found it to contain potential geothermal power. We have never had a meeting to discuss the above i.e. no special General meeting has been called to the effect.
- b. Through hard struggle the ministry of Co-operative have granted us authority to hold a meeting via copy letter dated 26 Nov 2013 but the provincial administration has categorically refused the meeting to take place under the reason of security.
- c. After going to court to have the matter explained to us, the court has awarded us the attached order.
- d. Information we have received is that the sitting committee have received certain amount of money.

Our prayer is that we to be supplied with the valuation report of the LR 8398/2 through which the compensation is based.

Also the proceeds of the above not to be released to the sitting committee before we hold a general meeting to discuss the same.

Yours faithfully,

The undersigned members

Cc. ministry of lands
Ken-Gen Ltd.