

Republic of Kenya  
In the National Land Commission  
NLC Review No.5 of 2015

Nairobi Water and Sewerage Company.....1<sup>st</sup> Interested Party  
Nairobi County Government.....2<sup>nd</sup> Interested Party  
Shital Bhandari.....3<sup>rd</sup> Interested Party

Before the Commission on 9<sup>th</sup> February 2015 at NHIF Building, Auditorium 3<sup>rd</sup> Floor.

ORDER

UPON HEARING the Representative of the 1<sup>st</sup> interested Party in the absence of attendance of representatives or counsels for the 2<sup>nd</sup> and 3<sup>rd</sup> Interested Parties;

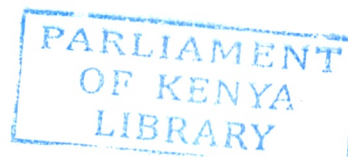
IT IS HEREBY ORDERED:

1. **THAT** a restriction be Registered against Nairobi/block 90/599(Parcel No.596) pending the determination of this matter by the Commission.
2. **THAT** all works, construction, developments and/or transactions be suspended forthwith on Nairobi/block 90/599(Parcel No.596) pending the determination of this matter by the commission
3. **THAT** a last hearing date be given to the 2<sup>nd</sup> and 3<sup>rd</sup> interested parties to appear before the Commission failure to which the Commission will proceed to make its determination the absence notwithstanding.
4. **THAT** this order be served to all interested parties.

Given under the seal of the Commission this 9<sup>th</sup> day of February 2015

Issued at Nairobi this 2<sup>nd</sup> day of March - 2015

  
ABIGAEI MBAGAYA  
VICE-CHAIRPERSON  
NATIONAL LAND COMMISSION





## **BRIEF ON ENCROACHMENT OF LAND RESERVED FOR NAIROBI CITY WATER & SEWERAGE COMPANY LIMITED.**

The Commission received a complaint from the Nairobi Water and Sewerage Company dated 29<sup>th</sup> August 2014 alleging illegal acquisition by private persons of their land in various parts of the City. The Commission invited all interested parties for a hearing to determine the legality and propriety of the title documents in their hands as required by Section 14 of the National Land Commission Act, 2014 through the media on 19<sup>th</sup> January 2015 and scheduled the Hearing for 9<sup>th</sup> February 2015.

### **1.1. KAREN SEWERAGE TREATMENT PLANT -LR.NO.12037**

The Managing Director, Nairobi water and Sewerage Company appeared before the Commission on 9<sup>th</sup> February 2015 and testified that the ponds are on land measuring 5.12 acres and they were commissioned in 1971 to serve the Karen Shopping Centre and its environs. The ponds are in place but other people have Title documents over the land.

Davjon Group Limited appeared before the Commission as an interested party and stated that they were allocated the property by the Nairobi County Government although they were unable to produce the minutes allocating the property to them.

Our preliminary investigations indicate that the initial user of the land was for sewerage purposes.

### **1.2. LORESHO PUMPING STATION AND WATER RESERVOIR-NAIROBI/BLOCK 90/599(PARCEL NO.596)**

The Managing Director, Nairobi Water and Sewerage Company testified that the tank reservoir in Loresho was constructed way back in 1970s. It has been in use since then and the land was apportioned for the user in 1978. The reservoirs serve very important installations of the city and they are security installations.

As stated during the Honourable Senate Hearing on 11<sup>th</sup> March 2015 as a result of an unlawful amalgamation and change of user from residential to Commercial of Parcels numbers NRB/BLK 90/584,585 and 586.

On the ground, the land has been subdivided and left a small portion where the tank is and construction was reported to be ongoing.

Our preliminary investigations indicate that;

1. The building plans have not been advertised by the Commission
2. No evidence to support the conversion of the land from public land to private land
3. The PDP was not approved
4. The initial user of the land was for Sewerage Works

The Commission will make a determination on this complaint by April 2015.

### **1.3. DANDORA SEWAGE TREATMENT PLANT-LR.NO.12979/1**

The plant is in Ruai and it serves 80% of the city. Records available indicate that the above captioned parcel of land was acquired by the Government and reserved for development of sewer Treatment plant and other Council facilities as part of the implementation of the Nairobi Metropolitan Growth strategy of 1973 of 1973 intended to facilitate sustainable city growth and development.

The land which was originally 1716.9 hectares has been unlawfully subdivided into Lr.No.12979/3,4 and 1/R and allocated to various companies by the then Nairobi City Council. The sewerage plant is currently only occupying 662.88 Ha.

There are several court cases pending determination by the High Court over this land including;

1. Constitutional Petition Number 62 of 2015
2. ELC 351 of 2011

The Commission is a party to the above captioned court cases and will await the determination of the Court.

### **1.4. KARIOBANGI SEWERAGE TREATMENT PLANT-LR.NO.8285/161**

Kariobangi Sewerage Treatment Plant has been in existence since 1961 and has been encroached on leaving Nairobi Water Sewerage Company on 75 Acres. There is an operational plant on site.

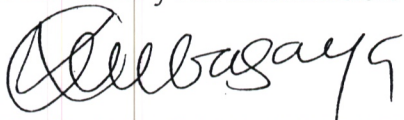
There are no titles that have been issued on the land but allotment letters and the Commission will make a determination on this complaint by April 2015.

#### **1.5. FARASI LANE RESERVOIR**

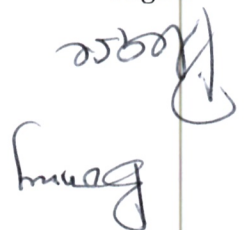
This is a wayleave for the main pipes from Ruiru Dam and Sasumwa Dam and also houses booster stations to pump water to Kabete Treatment Plant. This plot is particularly important to the city of Nairobi because 15% of the water is dependent on those pipelines that are on that plot. The land has unlawfully been sub divided and allocated to multiple numbers of people.

The Commission will make a determination on this complaint by April 2015.

Submitted for your information



**ABIGAEI MBAGAYA MUKOLWE (MRS)**  
**VICE-CHAIRPERSON**  
**NATIONAL LAND COMMISSION**





**ATTENDANCE FOR MEETING OF THE STANDING COMMITTEE OF THE SENATE ON LAND AND NATURAL RESOURCES HELD ON WEDNESDAY 11<sup>TH</sup> MARCH 2015 AT THE KICC 4<sup>TH</sup> FLOOR, SMALL BOARD ROOM FROM 11:00 A.M.**

**Present**

|                             |            |
|-----------------------------|------------|
| Sen. Lenny Kivuti, M.P.     | - Chairman |
| Sen. Christopher Obure, M.P | - Member   |
| Sen. Boy Juma Boy, M.P.     | - Member   |
| Sen. Martha Wangari, M.P.   | - Member   |
| Sen. Dawson Mwazo, M.P.     | - Member   |

**In Attendance**

Sen. Kembi Gitura  
Sen. Mike Mbuvi Sonko

**Ministry of Lands, Housing and Urban Development**

|                          |                                |
|--------------------------|--------------------------------|
| Mr. Peter Kahuho         | -Ag. Land Secretary            |
| Mr. Barasa Waohonjo      | -Senior Deputy Secretary       |
| Mr. Augustine K. Masinde | -Director of Physical Planning |

**National Land Commission (NLC)**

|                     |                |
|---------------------|----------------|
| Ms. Abigael Mukolwe | -Vice Chairman |
| Mr. Solomon Mbuthia | -Legal Officer |

**National Environment Management Authority (NEMA)**

|                        |                   |
|------------------------|-------------------|
| Prof. Geoffrey Wahungu | -Director General |
|------------------------|-------------------|

**Secretariat**

|                         |                              |
|-------------------------|------------------------------|
| Mr. Boniface Lenairoshi | - Principal Clerk Assistant  |
| Mr. Charles Ngatia      | - Clerk Assistant            |
| Mr. Kepha Omoti         | - Principal Research Officer |
| Ms. Njeri Manga         | - Media Relations Officer    |
| Ms. Lucy Mwaniki        | - Serjeant At Arms           |

