

Approved for tabling in the House.

BN

SNA
11/5/2022



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – SIXTH SESSION – 2022

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON-

(PUBLIC PETITION NO. 004 OF 2021)

BY HON. MICHAEL KINGI MP ON BEHALF OF MAGARINI COMMUNITY
LANDOWNERS REGARDING IRREGULAR EXTENSION OF GALANA RANCHING
BOUNDARY

 THE NATIONAL ASSEMBLY	
DATE: 11 MAY 2022	
DAY: WEDNESDAY	
TABLED BY:	CHAIR, DC - LANDS HON. RACHEL NYAMAI MP
CLERK AT THE TABLE:	AHMED KHADI

DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

MAY, 2022

Table of Contents

Table of Contents..... ii

CHAIRPERSON’S FOREWORD iii

EXECUTIVE SUMMARY iv

1.0 PREFACE vi

1.1 Mandate of the Committee vi

1.2 Committee subjects vi

1.3 Oversight vi

1.4 Committee Membershipvii

1.5 Committee Secretariatviii

2.0 INTRODUCTION 1

3.0 SUBMISSIONS..... 3

3.1 Submissions by the Petitioners 3

3.2 Submissions by the County Government of Kilifi 3

3.3 Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning..... 4

3.4 Submissions by the Cabinet Secretary, Ministry of Agriculture Livestock and Fisheries..... 5

4.0 ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION 7

5.0 COMMITTEE RECOMMENDATIONS 9

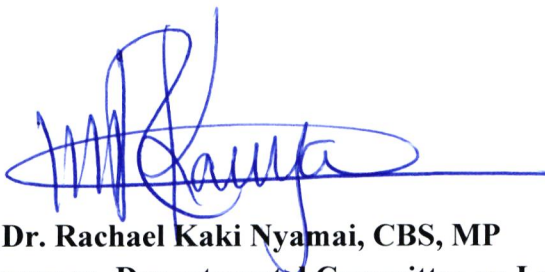
CHAIRPERSON'S FOREWORD

Public Petition No. 004 of 2021 regarding irregular extension of Galana Ranching boundary, was presented to the House by Hon. Michael Kingi MP on 23rd June 2021 on behalf of Maragiri Community Landowners.

While considering the Petition, the Committee heard from the Petitioners' representatives on 5th November 2021. The Committee also heard from the Chairperson, National Land Commission and the Cabinet Secretary for Lands and Physical Planning on Tuesday 21st September 2021 and 2nd December 2021, respectively at Parliament Buildings. The Committee also received written submissions from the Cabinet Secretary for Agriculture Livestock and Fisheries and the County Executive Committee Member for Lands, Energy, Housing, Physical Planning and Urban Development.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support during the consideration of the Petition. The Committee is also thankful to the Petitioners, the Cabinet Secretaries, Lands and Physical Planning, and Agriculture, Livestock and Fisheries for the submissions made to the Committee.

Pursuant to the provisions of Standing Order 227 and 199, it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of Public Petition No 004 of 2021 presented to the House by Maragiri Community Landowners regarding the irregular extension of Galana ranch boundary.



Hon. Dr. Rachael Kaki Nyamai, CBS, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

This report responds to the prayers sought by Petitioners in Public Petition No 004 of 2021 regarding the irregular extension of the Galana ranch boundary. The Petition was conveyed to the House by Hon. Michael Kingi MP on 23rd June 2021 on behalf of the Petitioners.

The Petitioners requested the National Assembly, through the Departmental Committee on Lands to inquire into the matter to secure the restoration of the original boundary points of Galana game and ranching land to safeguard the land initially allocated to the local community. They also sought the intervention of the Committee to cause the Ministry of Lands and Physical Planning to complete the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas to ensure that community members are issued title deeds.

Regarding the first prayer, the Committee observed that although the Petitioners believed that ADC undertook a boundary review in 2020, the information provided by the Cabinet Secretaries for Lands and Physical Planning and Agriculture Livestock and Fisheries indicated that ADC did not carry out any boundary review in the Survey of Kenya map and physically on the ground, therefore according to the Cabinet Secretaries the boundaries of ADC remain as they were in 1972 as per F/R119/86.

However, the Committee noted that the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries acknowledged that in October 2020, a fact-finding team from the Corporation visited the site and reported that persons working for private surveyors were subdividing and beaconing the land. The Corporation reported the matter to the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations.

Consequently, the Committee concluded that the boundary dispute can be solved if the Director of Survey conducts a repeat boundary picking exercise, involving all the affected stakeholders, to ascertain the boundaries between ADC Land and the Community Land.

Regarding the second prayer, the Committee did not receive evidence confirming that the declared adjudications adjacent to ADC Galana/ Kulalu Ranch have encroached on the ADC land. The Committee concluded that the issue could be determined through a repeat the picking exercise involving all stakeholders.

The Committee recommends that the Director of Survey, in collaboration with the ADC, County Government of Kilifi, the National Land Commission, and representatives of the local communities, including the Petitioners, undertake a repeat picking exercise to determine the boundary between Galana Kulalu Ranch, ADC 1 FR. 119/86 and Adu Kamale/ Adu Chamari adjudication sections within six months of the tabling of this report.

The Committee also recommends that the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations expedite and conclude the ongoing investigations

into the attempted illegal subdivisions and encroachment of Galana Kulalu Ranch, ADC 1 FR. 119/86 land with a view to prosecuting any persons found culpable.

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established under the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference amongst others:

- (i) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned Ministries and departments.*
- (ii) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation.*
- (iii) *make reports and recommendations to the House as often as possible, including the guidance of proposed legislation*
- (iv) *Study and review all legislation referred to it*
- (v) *study, access, and analyse the relative success of the Ministries and departments as measured by the results obtained compared with their stated objectives.*
- (vi) *investigate and inquire into all matters relating to the assigned Ministries and departments as they deem necessary and referred to them by the House.*
- (vii) *study and review all legislation referred to it.*

1.2 Committee subjects

2. The Committee is mandated to consider the following subjects:

- a) Lands
- b) Settlement

1.3 Oversight

3. The Committee oversees the Ministry of Lands and Physical Planning and the National Land Commission.

1.4 Committee Membership

4. The Committee membership comprises:

Chairperson

Hon. Dr. Rachael Nyamai, CBS, MP
Kitui South Constituency

Jubilee Party

Vice-Chairperson

Hon. Mishi Mboko, MP
Likoni Constituency

Orange Democratic Movement (ODM)

Hon. Benjamin Washiali, CBS, MP
Mumias East Constituency
Jubilee Party

Hon Joshua Kutuny Serem, MP
Cherangany Constituency
Jubilee Party

Hon. Omar Mwinyi, MP
Changamwe Constituency
Orange Democratic Movement (ODM)

Hon. William Kisang, MP
Marakwet West Constituency
Jubilee Party

Hon. Ahmed Kolosh, MP
Wajir West Constituency
Jubilee Party

Hon. Ali Mbogo, MP
Kisauni Constituency
Wiper Democratic Movement (WDM)

Hon. Babu Owino, MP
Embakasi East Constituency
Orange Democratic Movement (ODM)

Hon. Caleb Kipkemei Kositany, MP
Soy Constituency
Jubilee Party

Hon George Aladwa, MP
Makadara Constituency
Orange Democratic Movement (ODM)

Hon George Risa Sunkuyia, MP
Kajiado West Constituency
Jubilee Party

Hon. John Muchiri Nyaga, MP
Manyatta Constituency
Jubilee Party

Hon. Josphat Gichunge Kabeabea, MP
Tigania East Constituency
Party of National Unity (PNU)

Hon. Lilian Tomitom, MP
West Pokot County
Jubilee Party

Hon. Owen Yaa Baya, MP
Kilifi North Constituency
Orange Democratic Movement (ODM)

Hon. Patrick Munene Ntwiga, MP
Chuka/Igambangombe Constituency
Jubilee Party

Hon. Samuel Kinuthia Gachobe, MP
Subukia Constituency
Jubilee Party

Hon. Teddy Mwambire, MP
Ganze Constituency
Orange Democratic Movement (ODM)

1.5 Committee Secretariat

5. The Committee secretariat comprises:

Lead Clerk

Mr. Leonard Machira

Senior Clerk Assistant

Mr. Ahmad Guliye

Clerk Assistant II

Ms. Jemimah Waigwa

Legal Counsel I

Mr. Collins Namulen

Fiscal Analyst III

Ms. Maureen Kweyu

Audio Recording Officer

Dr Kefa Omoti

Principal Researcher Officer

Mr. Joseph Okongo

Media Relations Officer

Ms. Peris Kaburi

Serjeant at Arms

2.0 INTRODUCTION

6. Public Petition, No 004 of 2021 regarding irregular extension of Galana Ranching boundary, was conveyed to the House by Hon. Michael Kingi MP on 23rd June 2021 on their behalf of Maragiri Community Land Owners.
7. The Petitioners stated that the Wata and Giriama communities indigenously settled in the Galana game and Ranching Community land in Kilifi and Tana River Counties before the colonialization of the County.
8. The Agricultural Development Corporation (ADC) took over Galana Game and Ranching land in 1972. The original boundary points were marked jointly by the Waata and Giriama communities and several colonial Government representatives such as Geoffrey Pois, Martin Anderson, Henry Henly and David Teller in 1962.
9. Local representatives, such as Hiribae Guyo, Bajila Bashora, Wakati Hogomthi, Fondo Mwangirani, Kitu Nguo (all deceased) as well as Abadiba Guyo, Kribai, James Guyo Bajila, Robert Thoya Mwamura, Soso Sahako, Changawa Chanjalo, witnessed the demarcation of the boundary separating the ranching land from the community land.
10. The original boundaries were Kisiki, Tanke Kore and Didimalbul, with the upper western part of the boundary being allocated to Galana ranching and the lower eastern reserved for community use.
11. ADC undertook an illegal and irregular boundary extension exercise in 2002 that resulted in new boundary points at chain Barrier, (Sameta) Kormotho, Kapanagni, Dakabuko, Kalaluwe, Gurujo Bisaadhi, Diririsa, Bibithole, Changoto and Dera. The new boundary points were gazetted for adjudication.
12. ADC failed to involve the community in Magarini Constituency in the resurvey of the land, posing an existential threat to the livelihood of the local communities and going against the basic tenets of justice, given that the original beacons are still in place.
13. The Petitioners tried to have the matter addressed by the relevant authorities, including the National Land Commission and the National Environment Management Authority.
14. The issues in the Petition are not pending before any court of law or other constitutional or legal body.

15. They prayed that the National Assembly, through the Departmental Committee on Lands:

- a. Enquires into the matter to secure, with the assistance of the National Land Commission, the restoration of the original boundary points of the Galana game and ranching land to safeguard the land initially allocated to the local community.
- b. Causes the Ministry of Lands and Physical Planning to compete for the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas to ensure that community members are issued title deeds.
- c. Makes any other recommendations it deems appropriate in the circumstances of the Petition.

3.0 SUBMISSIONS

3.1 Submissions by the Petitioners

16. The Committee met the Petitioners on 2nd September 2021. During the meeting, the Petitioners informed the Committee as follows:
17. The Waata and Giriama communities settled in Galana game and Ranching Community land in Kilifi and Tana River Counties before the colonial period. In 1961, the boundaries were marked jointly by the Waata and Giriama communities and the colonial government representatives.
18. According to the Petitioners, the original boundary points were Kisiki, Tanke, Kore and Didimabul. The upper western part boundary point was allocated to the Galana Ranching, and the lower eastern land was reserved for the community.
19. The Agricultural Development Corporation took over the land in 1972. However, the Petitioners allege that the Corporation illegally extended the boundary points in 2020 without due public participation. The boundary extension resulted in new boundary points at Chain Barrier (Sameta), Kormotho, Dakabuko, Kalaluwe, Gurujo, Bisaadhi, Diririsa, Bibithole, Chanagngoto and Dera, which were then gazette for adjudication.

3.2 Submissions by the County Government of Kilifi

20. The Committee received written submissions from the County Executive Committee Member for Lands, Energy, Housing, Physical Planning, and Urban Development dated 2nd December 2021. The County Government of Kilifi responded to the issues raised in the Petition as follows-
21. The Land Adjudication Officer Malindi / Magarini declared Adu/ Kamale /Chamari as an adjudication section in 2015 under Section 5 of the Land Adjudication Act Cap 284. However, the Agricultural Development Corporation, in a letter Ref. MD /40/2 /C/Bm dated 9th April 2021, addressed to the Cabinet Secretary, Ministry of Lands and Physical Planning, claimed to be the registered owner of Galan Block 1/1, and complained of invasion of their land through the adjudication process, stating that the consent of the Corporation had not been obtained.

22. Arising from the objection made by ADC, the County Government of Kilifi undertook a public inquiry on the matter with the residents of Magarini and observed that:
- a. Before the colonial period, the Waata and Giriama communities settled in the land in question and knew the boundary points.
 - b. The original boundary separating the Galana Ranch and the community land cuts from a point at Kisiki through Tanke, Kore and Didimabul, with the upper western part of the boundary points being allocated to Galana Ranching and the lower eastern part being reserved for community use.
23. Through the Sub County Surveyor, the National Survey office in Malindi conducted a survey that revealed the following-
- a. Galana Ranch (block 1/1 with an average 623, 00 Ha falls within two Counties, Kilifi and Tana River.
 - b. The cutline falls within Kilifi County at the starting point of the river Galana (near Kisiki Beacon) but crosses to Tana River County as it extends Northwards up to the Didima Bule beacon. This is the known boundary between the Agricultural Development Corporation and the Community.
 - c. The Agricultural Development Corporation claims the contested area as part of Galana block 1/1 within Kilifi County, covering 237 643,05 Ha.
24. The contested area covers 237,643,05 Ha. It has been demarcated and surveyed in twenty-two villages, with 2554 plots demarcated and surveyed.
25. The affected villages include Gabo Mbuuni, Changoto, Kadongole, Mchekenzi, Madharba, Kamale, Dera, Mabrouk, Dhambela, Chanjalo, Jafari, Mukale, Walesa, Kulesa, Jatropha, Bathe, Chanjalo, Ziwani, Kilulu, Mbuni B and Langapande.
26. Several public utilities such as ECD centres, primary schools, secondary schools, Health centres, trading centres, pineapple firms, churches, and mosques are domiciled in the contested area.

3.3 Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning

27. The Committee met the Cabinet Secretary, Ministry of Lands and Physical Planning on 2nd December 2021 and was informed as follows:
28. The alleged community land falls within the declared adjudication sections of Adu Kamale and Adu Chamari bordering the ADC land. The adjudication sections were

declared on 11th April 2017, and 8100 plots were surveyed in Adu Kamale, while 3,300 parcels were surveyed in Adu Chamari. However, the publication of the maps was pending.

29. The Petitioners claim that a portion of the ADC Land (measuring approximately 237, 643.05 Ha.) from Kisiki beacon through Koromodo, Dera Bure and Didima Bule beacon has encroached on the community land, which they seek to be adjudicated.
30. The local communities have settled in several villages within the contentious portion of the ADC land. The villages include Changoto, Gabo, Dhambela, Mambruk Mukale, Masa/ Mchekenzi, Chanjalo, Kamale, Dera Matharba, Kori, Kilulu, Nधारako, Kaloleni, Daririsa, Mbuuni “B” Bihole Chalalu, Bate, and Borani. The community believes its boundary runs from the Kisiki beacon to the Didima Bule beacon, which is not the case.

3.4 Submissions by the Cabinet Secretary, Ministry of Agriculture Livestock and Fisheries

31. The Committee received written submissions from cabinet Secretary Ministry of Agriculture Livestock and Fisheries dated 11th April 2022. The Cabinet Secretary responded to the issues raised in the Petition as follows:
32. The Cabinet Secretary acknowledged that public land originally belonged to local communities before the colonial period. However, he stated that after independence the land reserved for the community was converted to public or private property.
33. The Agricultural Development Corporation (ADC) took over and owned Galana – Kulalu Ranch, FR. 119/86, measuring 1.745034 million acres comprising LR GALANA RANCH/BLOCK 1, survey plan FR119/86 measuring 1.5 million acres and LR. KULALU, survey plan FR 195/57 measuring 245,034 acres.
34. The ADC took over Galana- Kulalu with well-defined geofenced, geometric boundaries marked on the ground, including natural and artificial features as reflected on the survey maps as per the Survey Act Cap 229. Further, the ADC ownership title, deed plan and the survey of Kenya maps of the Ranch clearly show the boundary points.
35. The Corporation is unaware of any other reviewed survey of Kenya map boundaries claimed by the Petitioners. The Cabinet Secretary, however, acknowledged that in October 2020, a surveyor, Ephantus Murage, the Chairman, Lands, Legal and Partnership in the Corporation, accompanied by Wilson Cherop (ADC Surveyor), visited ADC Galana Kulalu and did due diligence survey to establish the position of attempted illegal

subdivision and encroach on areas reported by the Corporation's management. The team saw six men with two motorcycles placing beacons within ADC Galana Ranch/ Block 1/1 Farm.

36. The said persons, working for private surveyors, were subdividing and beaconing the land. The attempted plot subdivision had no physical occupation but ranged between twenty acres and twenty thousand acres per plot and comprised 250 000 acres as of October 2020 and had reached 301,000 acres by February 2021.
37. The Corporation reported, in writing, the attempted encroachment and subdivision of ADC land to the relevant Ministries Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations.
38. In this regard, the Ethics and Anti-Corruption Commission had taken up investigations on the attempted subdivisions while the Directorate of Criminal Investigation is investigating the said trespass on ADC land and charging culprits in court.
39. The Cabinet Secretary concluded that the Petitioners relied on a false belief that there was a boundary review by the ADC IN 2022. However, the information above proves that ADC did not conduct any boundary review on the Survey of Kenya map and physically on the ground. Therefore, the boundaries of ADC remain as they were in 1972 as per F/R119/86.
40. The Cabinet Secretary also stated that the declared adjudication area adjacent to ADC Galana/ Kulalu Ranch has not encroached on the ADC land. The adjudication area is clear with no conflict with the geographical coordinates of the boundaries of ADC Galana/ Kulalu Ranch.

4.0 ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

- a. **That the National Assembly enquires into the matter to secure, with the assistance of the National Land Commission, the restoration of the original boundary points of Galana game and ranching land to safeguard the land initially allocated to the local community.**


41. The Committee observed that although the Petitioners believed that ADC undertook a boundary review in 2020, the information provided by the Cabinet Secretaries for Lands and Physical Planning and Agriculture Livestock and Fisheries indicated that ADC did not conduct any boundary review in the Survey of Kenya map and physically on the ground. Therefore, according to the Cabinet Secretaries, the boundaries of ADC remain as they were in 1972 as per F/R119/86.
42. The Agricultural Development Corporation (ADC) submitted that it took over and owns Galana – Kulalu Ranch, FR. 119/86, measuring 1.745034 million acres comprising LR GALANA RANCH/BLOCK 1, survey plan FR119/86 measuring 1.5 million acres and LR. KULALU, survey plan FR 195/57 measuring 245,034 acres. The Corporation further submitted that it took over Galana- Kulalu with well-defined geofenced, geometric boundaries marked on the ground, including natural and artificial features as reflected on the survey maps as per the Survey Act Cap 229. Further, the ADC ownership title, deed plan and the survey of Kenya maps of the Ranch clearly show the boundary points.
43. However, the Committee noted that the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries acknowledged that in October 2020, a surveyor, Ephantus Murage, the Chairman, Lands, Legal & Partnership, accompanied by Wilson Cherop (ADC Surveyor) visited ADC Galana Kulalu due to attempted illegal subdivision and encroached on areas. The team reported that persons working for private surveyors were subdividing and beaconing the land.

44. The same was reported to the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations. Additionally, the Committee noted that the report of the boundary picking exercise undertaken by the Surveyor Malindi /Magarini regarding the land in question, which the County Government of Kilifi commissioned in 2019, did not include the participation of the ADC.
45. Given the foregoing, the Committee concluded that to find a lasting solution to the boundary dispute, there is urgent need for the Director of Survey to repeat the picking exercise in the presence of all stakeholders, including the ADC, the County Government of Kilifi, and the National Land Commission to ascertain the correct boundaries between ADC and the Community land.
- b. Causes the Ministry of Lands and Physical Planning to complete the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas to ensure that community members are issued title deeds.**
46. Regarding this prayer, the Committee noted that the Petitioners and the County Government of Kilifi alleged the Adu Kamale Adu Chamari adjudication sections fall within the contested area covering 237,643,05 Ha, which Agricultural Development Corporation claims as part of Galana block 1/1 within Kilifi County.
47. The Cabinet Secretaries Ministry of Lands and Physical Planning and Agriculture Livestock and Fisheries submitted that the ADC Land (measuring approximately 237, 643.05 Ha.) from Kisiki beacon through Koromodo, Dera Bure and Didima Bule beacon does not encroach the community land, which has been gazetted for adjudication.
48. They further stated that the declared adjudications adjacent to ADC Galana/ Kulalu Ranch have not encroached the ADC land and that there was no conflict in the geographical coordinates of the boundaries of ADC Galana/ Kulalu Ranch and the two adjudication sections.
49. In view of the foregoing, the Committee finds it critical for the Ministry of Lands and Physical Planning to complete the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas to ensure that community members are issued title deeds.

5.0 COMMITTEE RECOMMENDATIONS

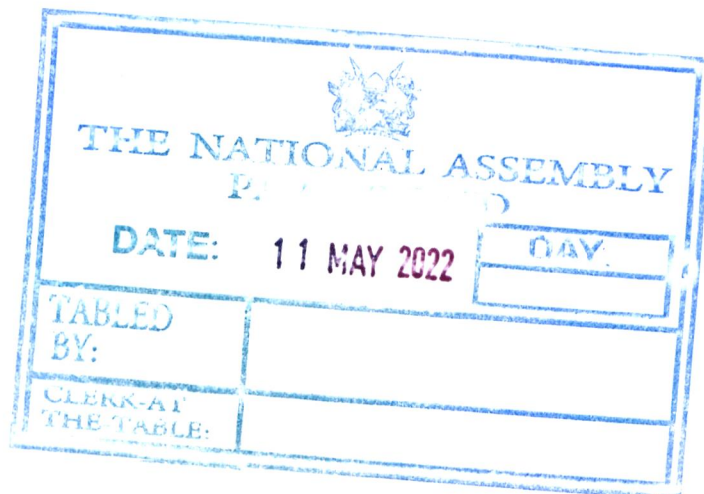
The Committee recommends as follows-

1. **The Director of Survey, in collaboration with the ADC, County Government of Kilifi, the National Land Commission, and representatives of the local communities, including the Petitioners, undertake a repeat picking exercise to determine the boundary between Galana Kulalu Ranch, ADC 1 FR. 119/86 and Adu Kamale Adu Chamari adjudication sections within six months of tabling of this report.**
2. **The Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigation (DCI) should expedite and conclude the ongoing investigations into the attempted illegal subdivisions and encroachment of Galana Kulalu Ranch, ADC 1 FR. 119/86 land with a view to prosecuting any persons found culpable.**

Signed.......... Date.....11/05/2022.....

The Hon. Dr. Rachael Kaki Nyamai, CBS, MP.

Chairperson, Departmental Committee on Lands





REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY
TWELFTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON LANDS

Adoption List

**PUBLIC PETITION NO. 004 OF 2021 BY HON MICHAEL KINGI, MP
ON BEHALF OF MAGARINI COMMUNITY LANDOWNERS
REGARDING IRREGULAR EXTENSION OF GALANA RANCHING
BOUNDARY**

Date: 27/04/2022

	NAMES	SIGNATURE
1.	Hon. Dr. Rachael Nyamai, CBS, MP - Chairperson	
2.	Hon. Mishi Mboko, CBS, MP V/Chairperson	
3.	Hon. Benjamin Washiali, CBS MP	
4.	Hon. Joshua Kutuny Serem, MP	
5.	Hon. Omar Mwinyi Shimbwa, MP	
6.	Hon. William Kisang, MP	
7.	Hon. Ahmed Kolosh, MP	
8.	Hon. Ali Mbogo, MP	
9.	Hon. Babu Owino, MP	
10.	Hon. Caleb Kipkemei Kositany, MP	
11.	Hon. George Aladwa, MP	
12.	Hon. George Risa Sunkuyia, MP	
13.	Hon. John Muchiri Nyaga, MP	
14.	Hon. Josphat Gichunge Kabeabea, MP	
15.	Hon. Lilian Tomitom, MP	
16.	Hon. Owen Yaa Baya, MP	
17.	Hon. Patrick Munene Ntwiga MP	
18.	Hon. Samuel Kinuthia Gachobe, MP	
19.	Hon. Teddy Mwambire, MP	

**MINUTES OF THE 21ST SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON WEDNESDAY 27TH APRIL 2022 AT ENGLISH POINT MARINA
HOTEL MOMBASA AT 9:30 AM**

PRESENT

1. Hon. Dr. Rachael Nyamai, CBS, M.P - **Chairperson**
2. Hon. Mishi Mboko, CBS, M.P - **Vice-Chairperson**
3. Hon. Omar Mwinyi Shimbwa, M.P
4. Hon. Hon. Caleb Kositany, M.P
5. Hon. George Risa Sunkuyia, M.P
6. Hon. Josphat Gichunge Kabeabea, M.P
7. Hon. Owen Baya, MP
8. Hon. Patrick Munene Ntwiga, MP
9. Hon. Samuel Kinuthia Gachobe, MP
10. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Benjamin Washiali, CBS, M.P
2. Hon. Joshua Kutuny, MP
3. Hon. William Kisang, MP
4. Hon. Ali Mbogo, M.P
5. Hon. Ahmed Kolosh, MP
6. Hon. Babu Owino, MP
7. Hon. George Aladwa, M.P
8. Hon. John Muchiri Nyaga, MP
9. Hon. Lilian Tomitom, MP

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. John Mutega - Deputy Director Departmental Committees
2. Mr. Leonard Machira - Senior Clerk Assistant
3. Mr. Ahmad Guliye - Second Clerk Assistant
4. Ms. Jemima Waigwa - Legal Counsel
5. Mr. Collins Namulen - Fiscal Analyst III
6. Ms. Maureen Kweyu - Audio Officer

MIN. NO. NA/DC/LANDS/2022/091: PRELIMINARIES

The meeting was called to order at twenty- minutes to ten o'clock with a word of prayer.

MIN. NO. NA/DC/LANDS/2022/092: CONFIRMATION OF MINUTES

The consideration of the item was deferred.

**MIN. NO. NA/DC/LANDS/2022/093: BRIEFING BY THE PARLIAMENTARY
BUDGET OFFICE ON THE 2022/2023
BUDGET ESTIMATES**

The Parliamentary Budget Office briefed the Committee on the 2022/2023 Budget Estimates of the Ministry of Lands & Physical Planning and the National Land Commission. The following salient issues were noted:

- I. A 23.6% increase in the recurrent expenditure of the Ministry with no corresponding output was noted.
- II. A 36.4% increase in the Development Planning and Land Reforms sub program was noted. There was no corresponding increase in the targeted output of the program.
- III. Digitization of Land Registries was slow compared to the uptake of the allocated budget against the timelines targeted for countrywide coverage.
- IV. Pending bills: The analysis of the pending bills as published in the Controller of Budget Reports as at 31st December 2021 shows the Ministry of Lands and Physical Planning had no pending bills. On the other hand, the National Land Commission had a pending bills amounting to Ksh. 606 million.
- V. Historical Land Injustices (HLI) cases: Land disputes and Conflict resolution sub-programme under the National Land Commission has a reduced recurrent expenditure allocation of ksh.166.06 million (-85.7%). This could affect the commission's objective of hearing and determining the approximately 2500 pending Historical Land Injustice (HLI) cases.

**MIN. NO. NA/DC/LANDS/2022/094: ADOPTION OF A REPORT ON PUBLIC
PETITION NO. 004 OF 2021 BY HON.
MICHAEL KINGI MP ON BEHALF OF
MARAGIRI COMMUNITY LANDOWNERS
REGARDING IRREGULAR EXTENSION OF
GALANA RANCHING BOUNDARY**

The Committee considered the report on the above Petition and adopted it with the following recommendations having being proposed and seconded by Hon. Teddy Mwambire, MP and Hon. Patrick Munene, MP respectively. That:

- I. The Director of Survey, in collaboration with the ADC, County Government of Kilifi, the National Land Commission, and representatives of the local communities, including the Petitioners, undertake a repeat picking exercise to determine the boundary between Galana Kulalu Ranch, ADC 1 FR. 119/86 and Adu Kamale/ Adu Chamari adjudication sections within six months of the tabling of this report.
- II. The Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations expedite and conclude the ongoing investigations into the attempted illegal subdivisions and encroachment of Galana Kulalu Ranch, ADC 1 FR. 119/86 land with a view to prosecuting any persons found culpable.

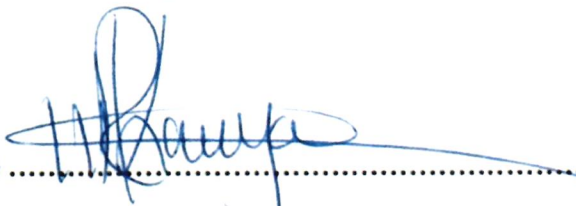
MIN. NO. NA/DC/LANDS/2022/095: ADOPTION OF A REPORT ON PUBLIC PETITION NO 007 OF 2022 BY RIVERBANK RESIDENTS HOUSING WELFARE GROUP REGARDING THE LAND ALLOCATION AND ISSUANCE OF TITLE DEEDS IN RESPECT OF LR. 1150 IN EMBAKASI SUB COUNTY NAIROBI.

The Committee considered the report on the above Petition and adopted it with the following recommendation having being proposed and seconded by Hon. Patrick Munene, MP and Hon. Omar Mwinyi, MP respectively. That:

The Cabinet Secretary, Ministry of Lands and Physical Planning, in consultation with the Nairobi City County Government does, establish the claim of the Petitioners with a view to settling the Petitioners on alternative land in accordance with the Land Act, 2012 within six months of tabling of the Report.

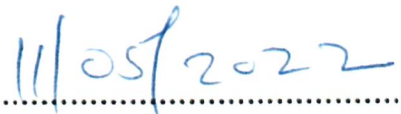
MIN. NO. NA/DC/LANDS/2022/096: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at ten minutes past one o'clock. The next meeting will be held on Wednesday 27th April 2022 at 2:30 p.m.

Signature 

HON. DR. RACHAEL KAKI NYAMAI, CBS, M.P.

(Chairperson)

Date..... 





Approved
RWA
SWA
9/3/2021

REPUBLIC OF KENYA
TWELFTH PARLIAMENT (FIFTH SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 004 of 2021)

REGARDING IRREGULAR EXTENSION OF GALANA RANCHING BOUNDARY

I, the **UNDERSIGNED**, on behalf of Magarini Sub-County Community Land Owners;

DRAW the attention of the House to the following: -

1. **THAT**, the Galana Game and Ranching community land in Kilifi and Tana River Counties was indigenously settled on by the Waata and Giriama communities before colonialization of the country;
2. **THAT**, in 1972, the Agricultural Development Corporation (ADC) took over Galana Game and Ranching land with its original boundary points that were marked in 1961 jointly by the Waata and Giriama communities and several colonial Government representatives such as Geoffrey Pois, Martin Anderson, Henry Henly and David Teller;
3. **THAT**, local representatives who witnessed this demarcation separating the ranching land from the community land included Hiribae Guyo, Bajila Bashora, Wakati Hogomthi, Fondo Mwangirani, Kitu Nguo (all deceased) as well as Abadiba Guyo Kiribai, James Guyo Bajila, Robert Thoya Mwamure, Soso Shako, Changawa Chanjalo and other community elders;
4. **THAT**, the original boundary points were Kisiki, Tanke, Kore and Didimabul, with the upper western part of the boundary points being allocated to Galana Ranching with the lower eastern part being reserved for community use;
5. **THAT**, in 2020, and without due public participation, ADC undertook an illegal and irregular boundary extension exercise that resulted in new boundary points at Chain Barrier (Sameta), Kormotho, Kapangani, Dakabuko, Kalaluwe, Gurujo, Bisaadhi, Diririsa, Bibithole, Changoto and Dera, which were then gazetted for adjudication;
6. **THAT**, not only is the extension illegal, but failure by ADC to involve community and leaders in Magarini Sub-County in the re-surveying of the land poses an existential threat to the livelihood of the local communities and goes against basic tenets of justice in light of the fact that the original beacons are still in place;

PUBLIC PETITION

REGARDING IRREGULAR EXTENSION OF GALANA RANCHING BOUNDARY

7. **THAT**, efforts to have this matter further addressed by the relevant authorities, including the National Land Commission and the National Environment Management Authority have been futile;
8. **AND THAT**, the matter in respect of which this petition is made is not pending before any Court of Law or Constitutional body.

NOW THEREFORE, your humble petitioners pray that the National Assembly through the Departmental Committee on Lands: -

- (i) Enquires into the matter with a view to securing, with the assistance of the National Land Commission, the restoration of the original boundary points of the Galana Game and Ranching land so as to safeguard the land originally allocated to the local community;
- (ii) Causes the Ministry of Lands to complete the adjudication process in the areas where it had began and urgently commences the process in the remaining areas with a view of ensuring that members of the community are issued with title deeds; and
- (iii) Makes any other order or direction that it deems fit in the circumstances of the matter.

And your **PETITIONERS** will ever pray.

PRESENTED BY



HON. MICHAEL THOYAH KINGI, MP
MEMBER FOR MAGARINI CONSTITUENCY

Date: 04-03-2021

FM
Please process
16/02/2021

MAGARINI SUB-COUNTY,
COMMUNITY LAND OWNERS,
P.O.BOX 58-80207,
MADINA.

CONTACT PERSON:
JOHN BAJILA WARIO
TEL: 0710542608
Email: johnmotteproject@yahoo.com

CHIEF EXECUTIVE OFFICER
T WALIB ABDALLAH M BARAK,
ETHICS AND ANTI CORRUPTION COMMISSION
P.O.BOX 61130-0200,
NAIROBI.

Dear Sir / Madam,

RE: OBJECTION AGAINST THE ILLEGAL AND UNCONSTITUTIONAL EXTENSION OF
THE ORIGINAL COMMUNITY KNOWN LAND BOUNDARY INHERITED BY ADC
FROM GALANA GAME AND RANCHING

HISTORY

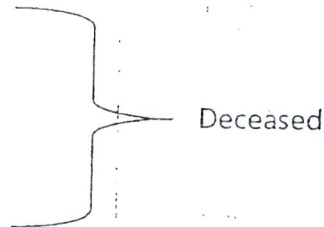
The above mentioned land was indigenously settled by the "Waata and the Giriama Community before the colonization of Kenya. This is evidenced by the names of various places in the area that poses distinct meaning in the Waata Language. E.g *Kore, Didimahbul and Koromotho*.

We, the undersigned being representatives of the Waata and Giriama Communities in the above referred to area / land do hereby lodge the above mentioned objections due to the following reasons:

1. That ADC inherited the original land with its original boundary points which were marked in cooperation between the Waata and Giriama Communities and the first European Development whose names are :
Geoffrey Pojs, Martin Anderson, Brown, Henry Henly and David Teller,
in 1961, which was also known as "GALANA GAME AND RANCHING".

2. That during the marking of the boundary points separating Galana Game and Ranching land and Community land was witnessed by the following Waata and Giriama Community representative.

- i. Hiribae Guyo
- ii. Bajila bashora
- iii. Wakati Hogomthi
- iv. Fondo Mwangirani
- v. Kitu Ngao



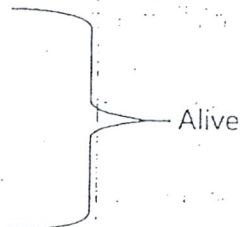
3. That during the marking of Galana Game and Ranching boundary the upper Western part of the boundary points was left for use by Galana Game and Ranching and the Lower Eastern part was agreed by both parties to be left for use by the Waata, Giriama and other Communities.

4. That during the recent extension of the boundaries in 2020 by A.D.C no public participation was done in establishing the new extended boundaries. This is tantamount to trying to acquire the land unconstitutionally.

5. That the land they extended purporting to belong to A.D.C was gazetted for adjudication and allocated to the local communities yet the same government is in the process of allocating the same land to A.D.C unprocedurally.

6. That the original boundary points of Galana Game and Ranching land inherited by A.D.C is known by the elders of Waata and Giriama Communities e.g.

- i. Abadiba Guyo Kiribai
- ii. James Guyo Bajila
- iii. Robert Thoya Mwamure
- iv. Soso Shako
- v. Changawa Chanjalo



7. That the original boundary points which separate Galana Game and Ranching land and the other land for community use are as follows:- *Kisiki – Tank(E) – Kore- Didimabul.*

8. That we are against the new established boundary points by A.D.C which are as follows: *Chain Barrier (Sameta) – Kormotho – Kapangani- Dakabuko-Kalaluwe- Gurujo- Bisaadhi- Diririsa – Bibithole- Changoto-Dera.*

During this re-survey ADC & surveyors do not involve community leaders in Magarini Sub-county there is no public participation. We declare us a community named Chakama Bungale in Chamari Location, Adu location and that the ADC must involve our leaders & community when they will be shown the boundaries and their Galana Game Ranch becons so that the named people will show them according with that had happened with the first European ideas on matters of this land mapping Dr. Geoffrey Ashry, Geoffey Pois, Anderson, Crie Brown, Henry & David letter in 1961-1979-1980 history in land grabbing in coast region.

These boundary points are the same as the pints established by JATROPHA BIO-DISEL Company which was rejected by the Community and the National Environment Management Authority (NEMA).

CONCLUSION

Land is a sensitive issue considering the fact that there has been historical land injustices made to our people by previous regimes.


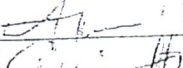
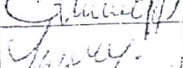
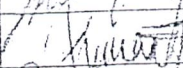
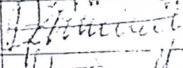

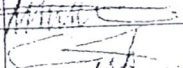

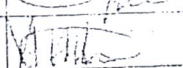


It is our sincere hope and trust that your esteemed and good office will look into the raised objections and revert the community land and allow the adjudication process to proceed.

NOTE:

We hereby attach a copy of the map showing the new extended boundary and a letter by the A.D.C.

Yours Faithfully,

The undersigned:

S/NO	NAME	ID NUMBER	PHONE NUMBER	SIGNATURE
1.	ABADIBA GUYO KIRIBAE	2131627	0790003616	
2.	SOSO SHAKO SOSO	5012079	0715735977	
3.	ROBERT THOYA MWAMURE	5536906	0708487973	
4.	MARY HABONA BADIVA	22297310	0724150783	
5.	JOHN BAJILA WARIO	29105549	0727906949	
6.	JAMES GUYO BAJILA	2277023	0113479641	
7.	CHANGAWA CHANJALO GUYO	5029724	0715708748	
8.	ONOTTO JILO JOSHUA	1322190	0722224947	
9.	JULIUS BASHORA WARIO	11763235	0721169330	
10.	CHANGAWA SHOMI MWANGAYA	5029724	0796035721	
11.	KHAMISI NGOWA ZIRO	13853709	0792812782	

Cc:

1. THE CHAIRPERSON,
GERSHOM OTACHI
NATIONAL LANDS COMMISSION
P.O.BOX 44417-00100,
NAIROBI.

2. THE DIRECTOR,
NORDIN HAJI,
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION(DPP)
P.O.BOX 3071-00100,
NAIROBI.

3. THE CABINET SECRETARY,
DR. FRED MATIANG'I,
MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT,
P.O.BOX 57007-00200.
NAIROBI.

4. THE CABINET SECRETARY,
FARIDA KARONEI,
MINISTRY OF LANDS AND PHYSICAL PLANNING,
P.O.BOX 30250-00100.
NAIROBI.

5. THE CABINET SECRETARY,
PETER MUNYA,
MINISTRY OF AGRICULTURE AND LIVESTOCK,
P.O.BOX 34188-00100,
NAIROBI.

6. THE C.E.O
MOHAMED BULE
AGRICULTURE DEVELOPMENT COOPERATION (A.D.C)
P.O BOX 4711-00100
NAIROBI

7. THE GOVERNOR
KILIFI CPUNTY
AMASON JEFA KINGI
P.O BOX 519-80108
KILIFI

8. MEMBER OF PARLIAMENT
MAGARINI CONSTITUENCY
MICHAEL KINGI
P.O BOX

9. THE COUNTY COMMISSIONER KILIFI

10. THE DEPUTY COMMISSIONER MALINDI

CC.

11. TO DEPUTY COMMISSIONER MAGARINI

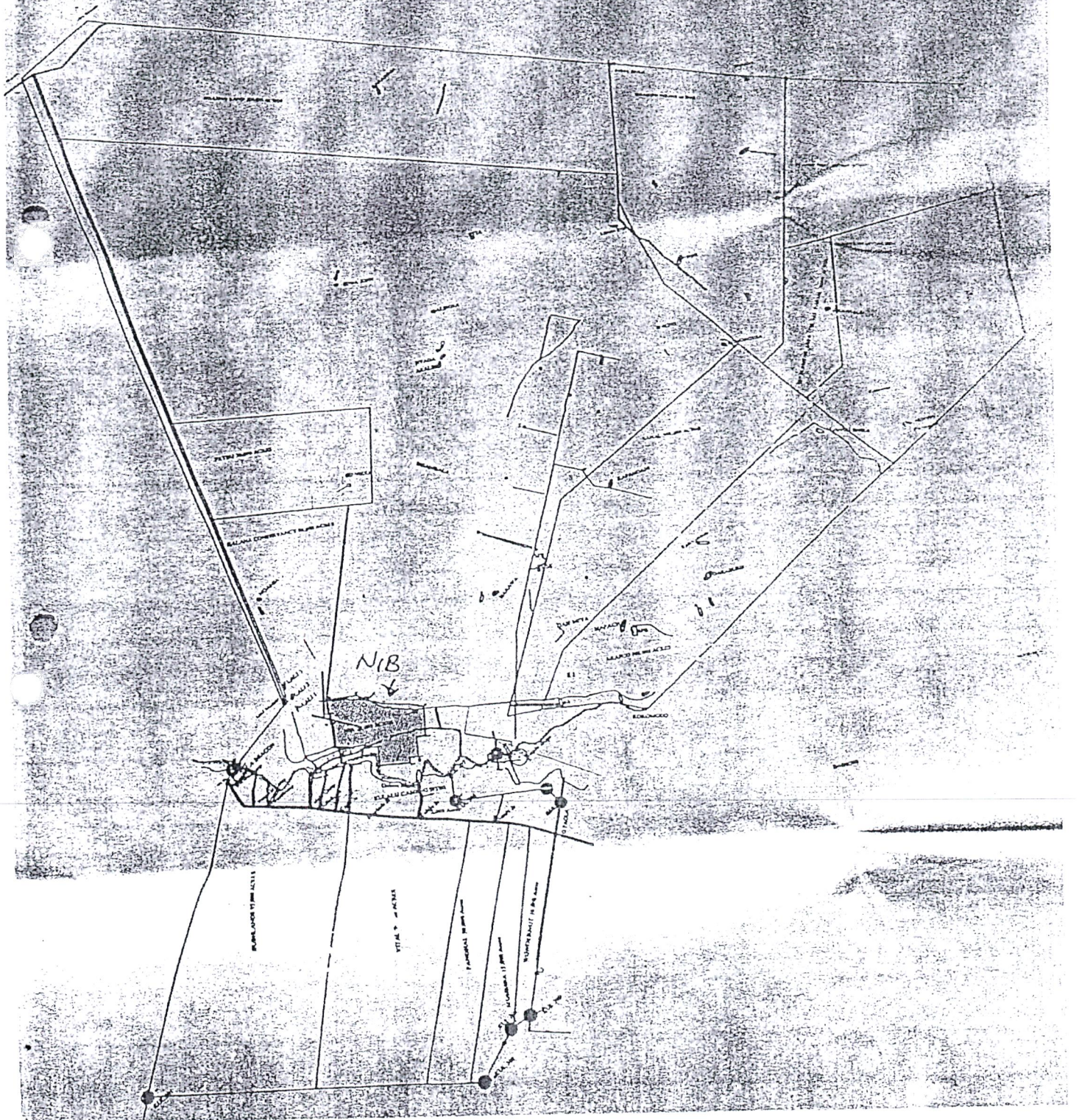
12. TO THE AREA CHIEF BUNGALE

13. TO THE AREA CHIEF CHAMARI

14. TO THE AREA CHIEF ADU

15. TO THE AREA CHIEF CHAKAMA

MAP SHOWING ADC GALANA / KULALU INVASION



day
open file

AGRICULTURAL DEVELOPMENT CORPORATION

M E M O

TO: Ag. Managing Director

FROM: Surveyors

REF: MD/40/2/C/WC

DATE: 6th October, 2020

**SUBJECT: SURVEY WORK TO DETERMINE ILLEGAL SUBDIVISIONS
AND SALE OF ADC GALANA RANCH TO UNSUSPECTING
PERSONS.**

CONTENT

Introduction
Members present
Problem Statement
Legal Backing (anchore)
Solution approach
Methodology
Tools
Findings
Recommendations

INTRODUCTION

This is about the survey work to determine the extent of illegal subdivisions and sale of ADC Galana Ranch which is a Government parastatal, to unsuspecting persons. The land is **L.R. GALANA RANCH/BLOCK I/1** and is in F.R.119/86 approved on 1st March 1972 and is under lease registration (Fixed boundary survey).

It contains 1.5 Million Acres in total and belongs to ADC (Agricultural Development Corporation) and has the title deed. The farm occupies part of Kilifi and Tana River Counties and is situated at about 80Km to the West of Malindi on Malindi Tsavo East National park road. The Southern Part touches Galana/Sabaki river while the Northern part is approximately 30Km South of Garsen town.



MINISTRY OF LANDS AND PHYSICAL PLANNING

Email: dsmalindi@jambo.co.ke

Telephone: 020-233540176

When replying, please quote

MLD/TECH/7/VOL II/651

DISTRICT SURVEY OFFICE

P.O. BOX 1736

MALINDI

Date: 19th May, 2021

RE: GROUND REPORT FOR PICKING EXERCISE AT ADU CHAMARI AND GALANA RANCH.

PURPOSE: To pick and plot the existing cut line believed to be the boundary line between the Adu community and the Galana ranch.

AUTHORITY: request by the County Government of Kilifi after a consultative meeting with regards to the ongoing adjudication exercise within adu kamala and Adu Chamari area.

DATUM USED: F/R No. 119/86.

PRESENT: The exercise was witnessed by the County Lands officials led by the Chief Officer in charge of the Land docket, the Malindi survey office, the administrators from Magarini, the local leaders within Adu and the elders familiar with the cut line.

METHODOLOGY: The elders took the team to the cutline starting with a point near the Sabaki River running northwards. Picking was done along the cutline and this was later plotted.

With survey plan 119/86 available, the picked cut line data was then over laid on the existing survey plan.


OBSERVATION.

Survey plan 119/86 (attached) shows parcel number 1, also indicated as Galana ranch with an area of 623000 ha. The parcel falls within two counties, i.e. Kilifi County and Tana River County.

It was noted that the cut line falls within Kilifi County at the starting point at the river (near Kisiki beacon) but crosses to Tana River County as it extends northwards up to (Didima Bule beacon)

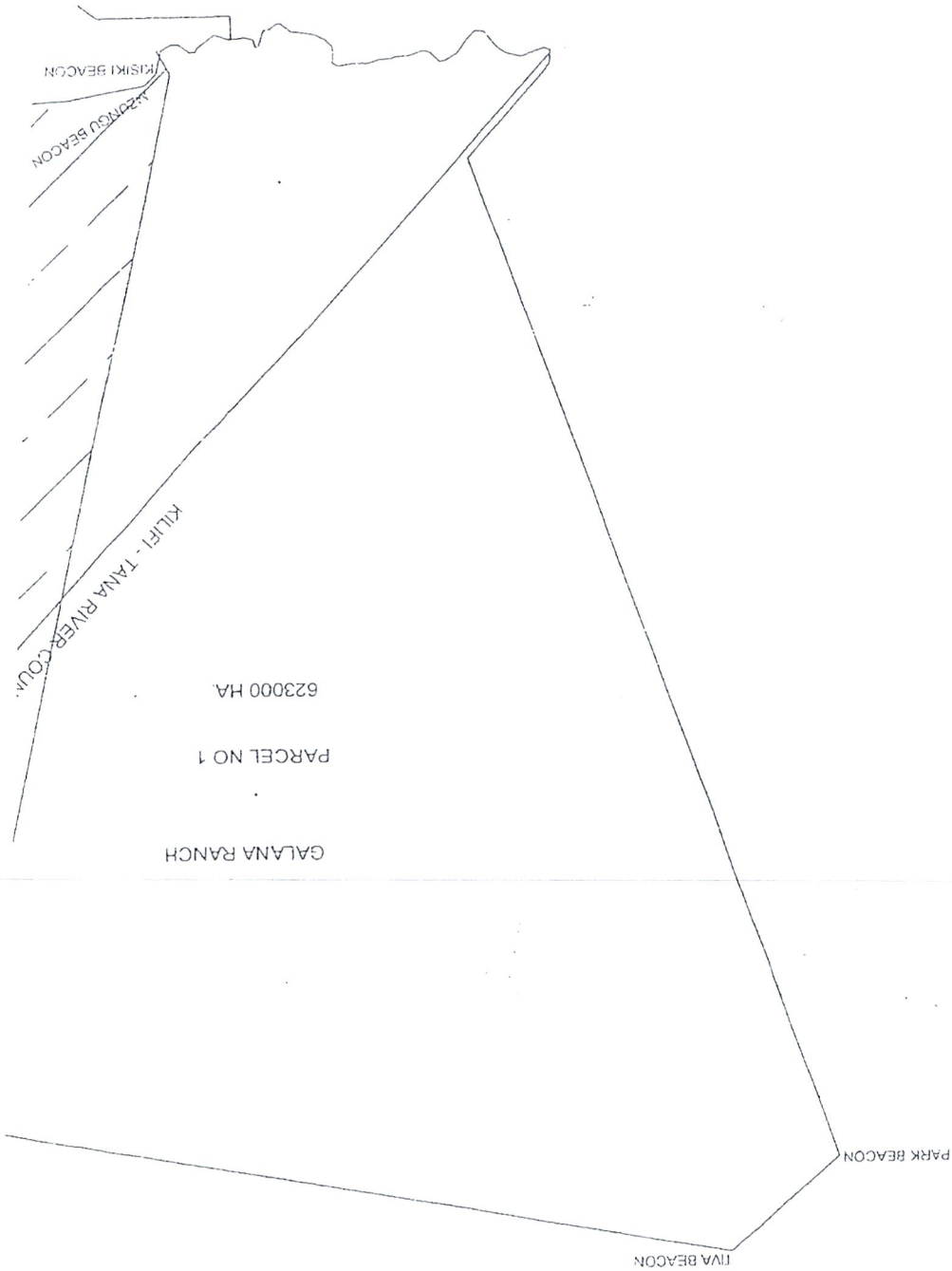
This therefore means the pointed out cut line was found to fall within the boundaries of parcel number 1 going by the survey plan F R no 119/86.

The area from the boundary of the ranch to the cut line pointed out which falls within Kilifi County was found to be approximately 237643.05 Ha. (See attached sketch map).


L M Dzoro
NG Surveyor.
Malindi/Magarini.

CECM
Kudly note
11.06.2021

POINTS PICKING WITHIN MAGARIN



PREPARED AND PLOTTED BY:

MALINDI SURVEY OFFICE

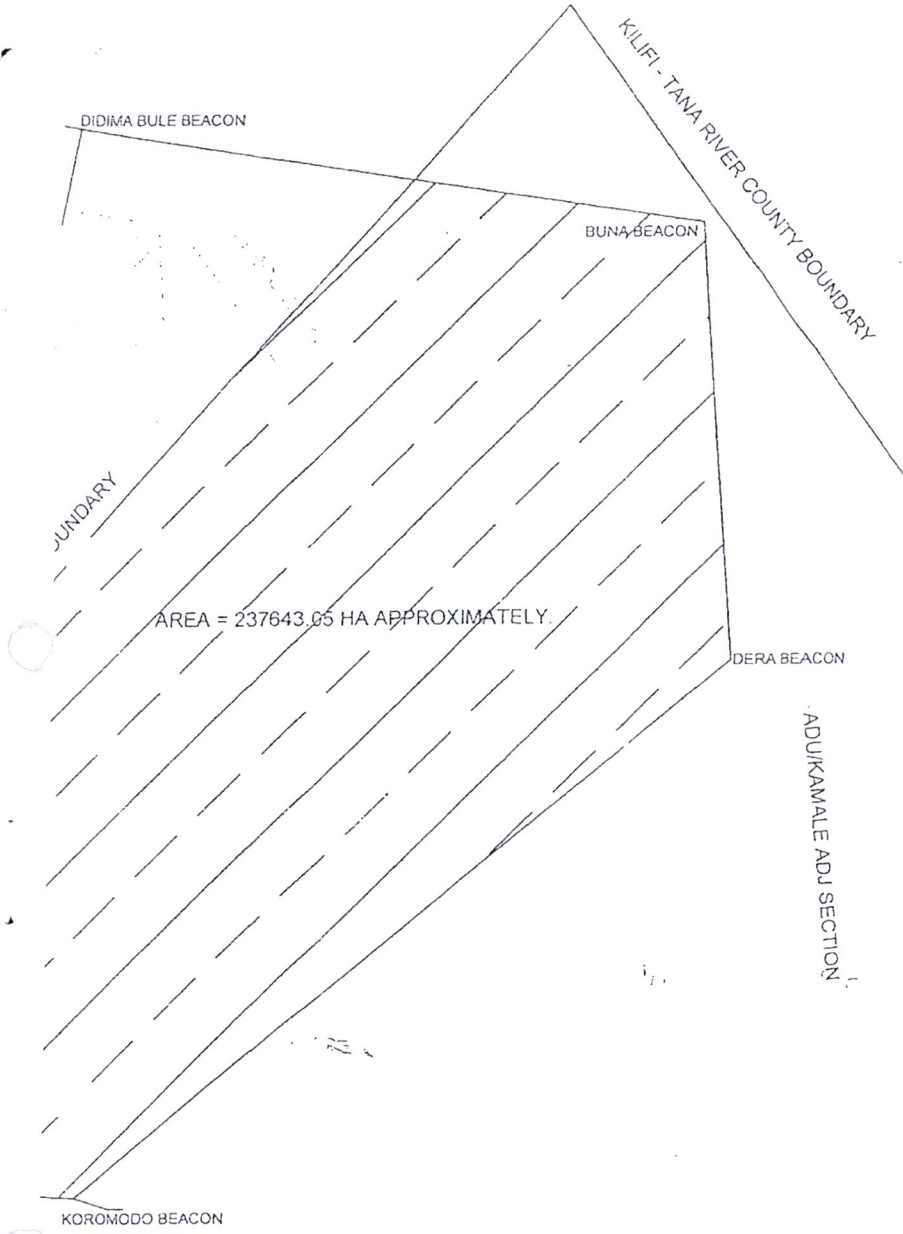
P O BOX 1736 - MALINDI

MAY 2021

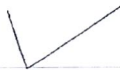
POINTS PICKED BY A HAND HELD GPS

SURVEY PLAN USED IS F R NO. 119/86

AREA FOR MAP CHECKING WITH GALANA RANCH BOUNDARY



LEGEND



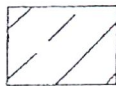
GALANA RANCH BOUNDARY: PARNEL NO. 1



COUNTY BOUNDARY BETWEEN TANA RIVER COUNTY AND KILIFI COUNTY



POINTED CUT LINE AS KNOWN TO BE THE BOUNDARY BETWEEN THE LOCALS AND THE RANCH



CLAIMED AREA BY THE COMMUNITY FALLING WITHIN KILIFI COUNTY = 237643.05 HA APPROXIMATELY.

SURVEY OF

Coordinates referred to Units

Item	Y (Northing)	X (Easting)	Height	Class of Beacon

PLOTTED ON UNIVERSAL TRANSVERSE MERCATOR GRID
IN METRES

Referred to Equator (-10,000,000m) and 39° East (-500,000m)

U.T.M. CO-ORDS FOR OLD TRIGS IN AREA:-

16537.1	9 779476.25	1 422670.45	MUNANGI Pillar
17377.1	9 731817.06	5 22437.57	DARADIMA Pillar
17377.2	9 731817.06	5 22437.57	DARADIMA Pillar
17377.3	9 731817.06	5 22437.57	DARADIMA Pillar
17377.4	9 731817.06	5 22437.57	DARADIMA Pillar
17377.5	9 731817.06	5 22437.57	DARADIMA Pillar
17377.6	9 731817.06	5 22437.57	DARADIMA Pillar
17377.7	9 731817.06	5 22437.57	DARADIMA Pillar
17377.8	9 731817.06	5 22437.57	DARADIMA Pillar
17377.9	9 731817.06	5 22437.57	DARADIMA Pillar
17378.0	9 731817.06	5 22437.57	DARADIMA Pillar

All these are old Survey of Kenya concrete pillars and the coordinates from triangulation are supplied by the Survey of Kenya Technical Section. These are mostly shown for reference purposes as the pillars have been covered up by the area owner. It is requested that any of them which have been found to be in error should be reported to the Survey of Kenya. The only one which has been found to be in error is the boundary beacon on the Masai boundary with the National Park.

U.T.M. CO-ORDS FOR THEORETICAL CORNER OF NATIONAL PARK

DIRE 9 779 176.25 1 422 670.45 Theoretical corner of National Park. The corner was found by the Survey of Kenya and the pillar was not set. It has been computed from data shown in the gazette notice and is exactly 1000m East of Munangi Pillar.

U.T.M. CO-ORDS FOR ONLY BOUNDARY BEACON Fixed by Triangulation

LAI BEACON 9 847 005.73 1 530 039.78 S.K. Pillar - O.P. Built on the highest point of the hill (sharp topped hill) and has therefore been used as the National Park boundary beacon.

GEOGRAPHICAL VALUES FOR NEW BEACONS:-

Beacon	Distance	Bearing	Remarks
DIVA BEACON	5.00	35° 55' 30" East	At Galana river crossing
SARA BEACON	5.00	35° 55' 30" East	At Galana river crossing
DIPLO BEACON	5.00	35° 55' 30" East	At Galana river crossing
LALEI BEACON	5.00	35° 55' 30" East	At Galana river crossing
KOMBO BEACON	5.00	35° 55' 30" East	At Galana river crossing
MAK BEACON	5.00	35° 55' 30" East	At Galana river crossing
SICA BEACON	5.00	35° 55' 30" East	At Galana river crossing
TEBE BEACON	5.00	35° 55' 30" East	At Galana river crossing

U.T.M. CO-ORDS FOR NEW BEACONS:-

DIVA BEACON	9 729 958.09	1 408 402.38
SARA BEACON	9 729 958.09	1 408 402.38
DIPLO BEACON	9 729 958.09	1 408 402.38
LALEI BEACON	9 729 958.09	1 408 402.38
KOMBO BEACON	9 729 958.09	1 408 402.38
MAK BEACON	9 729 958.09	1 408 402.38
SICA BEACON	9 729 958.09	1 408 402.38
TEBE BEACON	9 729 958.09	1 408 402.38

All these beacons are fixed by triangulation and have been set on the ground. The bearings are given in degrees East of the meridian. The distances are in metres. The U.T.M. coordinates are given in metres.

REFERENCE POINTS AND CURVILINEAR BOUNDARIES

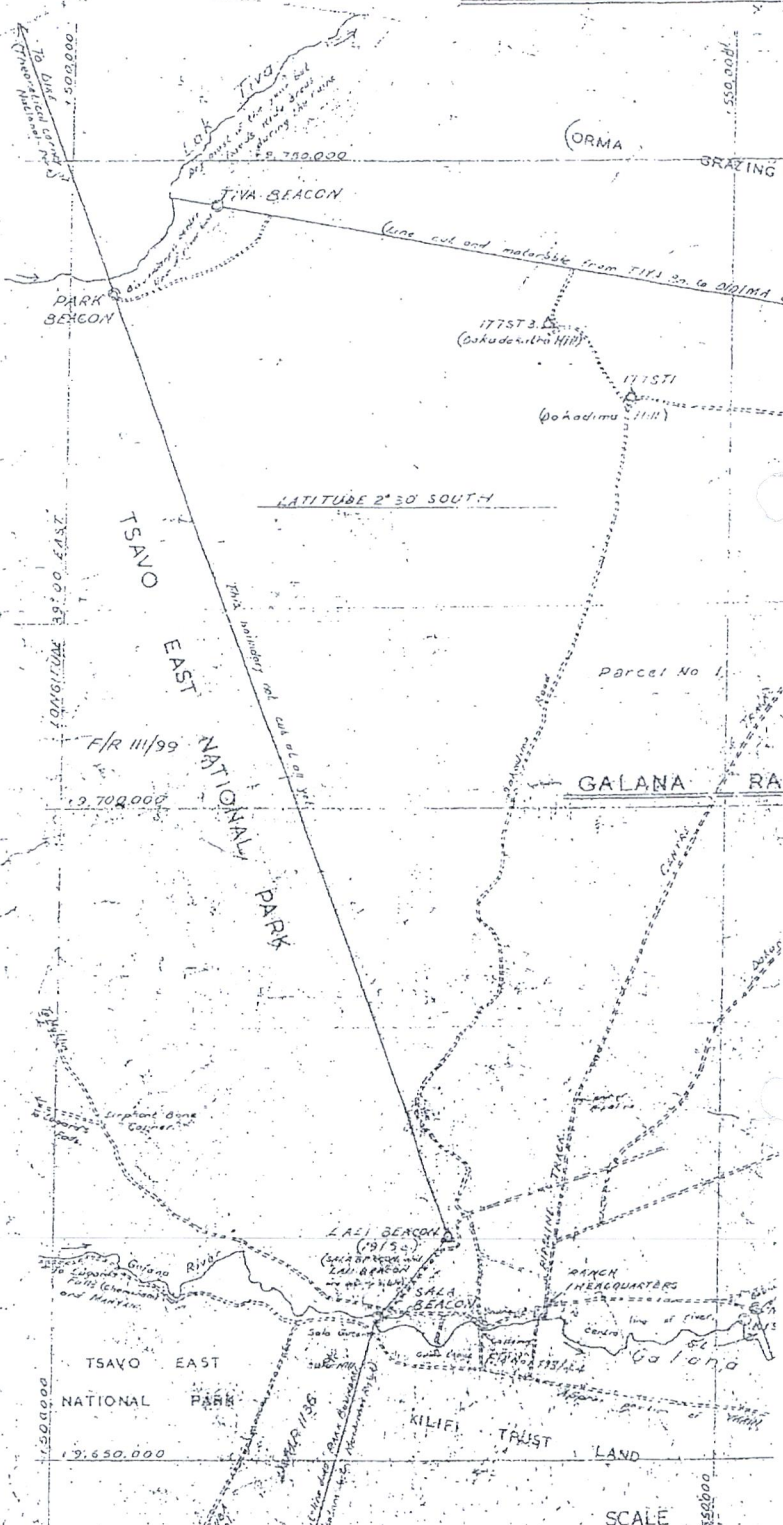
A number of reference points have been placed and fixed in the vicinity of each of the new beacons. These points are shown on the map. The bearings and distances from the beacons to these points are given in the table below. The bearings are given in degrees East of the meridian. The distances are in metres. The U.T.M. coordinates are given in metres.

IMPORTANT COMMENTS:-

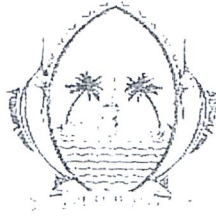
The survey was carried out in accordance with the instructions of the Survey of Kenya. The bearings and distances were measured with a theodolite and a steel tape. The U.T.M. coordinates were computed from the bearings and distances. The map was drawn on a scale of 1:50,000. The bearings are given in degrees East of the meridian. The distances are in metres. The U.T.M. coordinates are given in metres.

OFFICER IN CHARGE
SURVEY OF KENYA
NATIONAL PARK
DIVA BEACON

I hereby certify that the above is a true and correct copy of the bearings and distances of the beacons and points of the National Park and that the survey was carried out in accordance with the instructions of the Survey of Kenya and that the bearings and distances are correct and true.



Registration	Transactions	Authentic
Date Received 10-3-72	Provisional Approval	Examined by
Title Reference 1/4/203	Final Approval	Approved by
Computations No. 14510/L-1	Checked by	Authenticity by
Field Book No. 97/11-8		



COUNTY GOVERNMENT OF KILIFI
OFFICE OF THE SUB COUNTY ADMINISTRATOR MAGARINI

MAGARINI SUB COUNTY
DATA COLLECTION

A.D.C BOUNDARY VERRIFICATION ACTIVITY ON 15 AFFECTED VILLAGES

DATE: 5TH MAY, 2021

LOCATION	VILLAGE AFFECTED	POPULATION (APPROX.)	PUBLIC INSTITUTION AND ANY OTHER DEVELOPMENT
ADU	CHANGOTO	1790	<ol style="list-style-type: none"> 1. 4 ECD Centre 2. 2 Primary School 3. 3 Trading Centre 4. 15 Churches 5. 20 Water pans 6. 400 Pineapple farms 7. Roads 8. 1 Water Tank 9. Grazing area 10. Proposed Secondary site 11. Proposed Dispensary 12. 1 Secondary School 13. 120 Maize farm 14. Cemetery
ADU	GABO	560	<ol style="list-style-type: none"> 1. 2 ECD Centre 2. 6 Shallow Water pans 3. Roads 4. 200 Pineapple farms 5. 1 Borehole 6. 8 Churches 7. Grazing ground
ADU	DHAMBELA	480	<ol style="list-style-type: none"> 1. 1 ECD Centre 2. 150 Pineapple farm 3. Shallow Dams 4. Grazing fields 5. 4 Churches 6. Roads
ADU	MAMBRUK	1870	<ol style="list-style-type: none"> 1. Proposed Primary School 2. Propose Dispensary 3. Grazing fields

			<ol style="list-style-type: none"> 4. Roads 5. Water pan 6. 572 Maize farms 7. 138 Pineapple farms
ADU	MUKALE	948	<ol style="list-style-type: none"> 1. Roads 2. Water pans 3. 600 Maize farm 4. Proposed Primary School 5. Proposed Secondary School 6. Grazing fields 7. 248 Pineapple farms 8. 2 ECD Centers 9. Proposed Cemeteries
ADU	MASA /MCHEKENZI	2650	<ol style="list-style-type: none"> 1. 3 ECD Centre 2. Roads 3. 2 Primary Schools 4. Trading Centre 5. Water Pan and River 6. Grazing fields 7. 890 Maize farms 8. 25 Pineapple farm 9. 100 Cassava farms 10. 500 Maize farms 11. 500 Maize farms
ADU	CHANJALO	931	<ol style="list-style-type: none"> 1. Proposed Trading 2. ECD Centre 3. Proposed Secondary site 4. Proposed Primary School 5. Roads 6. Water pans 7. Seasonal River 8. 100 Maize farms 9. 250 Pineapple farms 10. Grazing fields
ADU	KAMALE	3482	<ol style="list-style-type: none"> 1. Roads 2. 1 Secondary School 3. 4 Primary School 4. Water tank 5. Proposed College 6. Proposed Government offices Site 7. 2000 Maize farms 8. 2 Safaricom Mast 9. 20 Water pan and Shallow wells 10. Grazing grounds 11. 3 ECD Centres 12. 18 Churches 13. Proposed Cemetery 14. 2 Children Homes 15. 200 Pineapple farms 16. 180 Cassava farms
ADU	DERA	1672	<ol style="list-style-type: none"> 1. Proposed Secondary School 2. Proposed Health Centre

			<ol style="list-style-type: none"> 3. 2 Primary School 4. Water Pans 5. Pipeline 6. 3000 Maize farms 7. Roads 8. 12 Churches 9. Proposed Mosque 10. Proposed Dispensary 11. Air Strip
ADU	MATHARBA	630	<ol style="list-style-type: none"> 1. 3 ECD Centre 2. Proposed Secondary School 3. 300 Pineapple farms 4. 25 Cassava farms 5. Grazing Fields 6. Rivers and Water pans 7. Roads 8. 5 Maize farms 9. Proposed Agricultural Institute 10. 1 Mosque
ADU	MBUUNI A	882	<ol style="list-style-type: none"> 1. 3 ECD Centre 2. 80 Pineapple farms 3. 100 Cassava farms 4. Roads 5. Water Pans 6. Grazing Fields 7. 3 Churches 8. Proposed Secondary Site
BUNGALE	MIZAHENI	1400	<ol style="list-style-type: none"> 1. Primary School 2. Water Pan 3. Community conserved grazing area (Ancestral) 4. Local trading Centre 5. 400 already development pineapple farms
BUNGALE	GARIKOKOLE	2100	<ol style="list-style-type: none"> 1. Primary School 2. Proposed college site 80Acres 3. Proposed Dispensary area 30 Acres 4. Local trading Centre
BUNGALE	KISIKINI	2500	<ol style="list-style-type: none"> 1. Primary School 2. 3 Water pans 3. 500 Acres pineapple farm developed 4. Local Trading Centre 5. 2 Churches 6. Community conserved grazing area 7. Water storage tanks
BUNGALE	MULUNGUNI	3800	<ol style="list-style-type: none"> 1. Dispensary 2. Primary School 3. 3 Churches

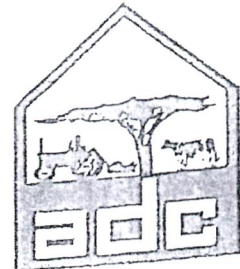
			<ol style="list-style-type: none"> 4. 2 Water pans 5. Community conserved area for Eco-tourism 6. 200 Maize and Pineapple farms
BUNGALE	KORI	1500	<ol style="list-style-type: none"> 1. Local Trading Centre 2. Farming activity going on 3. 14 Water Pan 4. 5 Water Storage tanks 5. 5 Wells
BUNGALE	KILULU	900	<ol style="list-style-type: none"> 1. Primary School 2. ECD Centre 3. Water Pan 4. Marrum Road 5. Local Trading Centre 6. 1000 Acres pineapple farm 7. Two Churches
BUNGALE	NDHARAKO	700	<ol style="list-style-type: none"> 1. Primary School 2. 300 Acres pineapple farms 3. Local Trading Centre 4. 1 Church
BUNGALE	KALOLENI	500	<ol style="list-style-type: none"> 1. 1 Church 2. 500 Acres already developed pineapple and Maize farms
BUNGALE	DARIRISA	1000	<ol style="list-style-type: none"> 1. Two Churches 2. Nursery School 3. Water Pan 4. Local Trading Centre
CHAMARI	MBUUNI B	600	<ol style="list-style-type: none"> 1. 400 Developed farms 2. 1 Proposed Primary School 3. 2 Churches 4. 2 Earth Dams 5. 1 Borehole 6. Trading Centre
CHAMARI	BIBITHOLE	2500	<ol style="list-style-type: none"> 1. 1500 Developed farms 2. 1 Proposed Primary School 3. 4 Churches 4. 5 Earth Dams 5. 1 Borehole 6. Trading Centre
CHAMARI	ZIWANI	2100	<ol style="list-style-type: none"> 1. 800 Developed farms 2. 1 Primary School 3. 8 Churches 4. 1 Earth Dam 5. 1 Trading Centre
CHAMARI	DUKE	1750	<ol style="list-style-type: none"> 1. 720 Developed farms 2. 1 Proposed Primary School 3. 4 Churches 4. 1 Trading Centre

			<ul style="list-style-type: none"> 5. 3 Quarries 6. 1 Livestock Drinking point
CHAMARI	CHALALU	2200	<ul style="list-style-type: none"> 1. 1000 Developed farms 2. 1 Primary School 3. 2 Churches 4. 1 Earth Dam 5. 1 Trading Centre
CHAMARI	BATE	1800	<ul style="list-style-type: none"> 1. 700 Developed farms 2. 1 Proposed Primary School 3. 4 Churches 4. 1 Trading Centre 5. 3 Quarries of Stones 6. 1 Livestock Drinking point
CHAMARI	BARANI	2053	<ul style="list-style-type: none"> 1. 1042 Developed Farms 2. 3 Churches 3. 2 earth Dam 4. 2 Trading Centre

PREPARED BY:

Richard Lwambi
Sub County Administrator
MAGARINI

VERY URGENT



Address all correspondence to the Managing Director

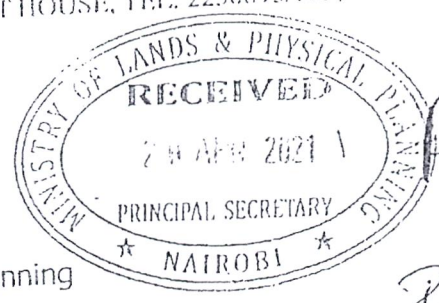
AGRICULTURAL DEVELOPMENT CORPORATION

P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695/185, 020-3315746
NAIROBI

Our Ref: MD/40/2/C/BM

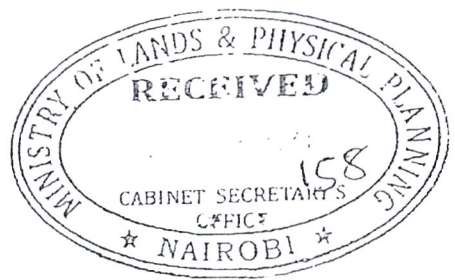
9th April, 2021

Farida Karoney, EGH
Cabinet Secretary
Ministry of Lands and Physical Planning
NAIROBI



PS (Lands)
FYA
19/4/2021
J

Dr. Nicholas Muraguri, CBS
Principal Secretary
Ministry of Land and Physical Planning
NAIROBI



Chairman Gershom Otachi
National Lands Commission
NAIROBI

Director of Land Adjudication and Settlement
P. O. Box 30450 - 00100
NAIROBI

Director of Surveys
NAIROBI

II
PK Muraguri
Study & advise
on next steps.

Kilifi County Commissioner
519 - 30108
KILIFI

Kilifi County Adjudication Officer
KILIFI

Kilifi National County Surveyor
KILIFI

mur
20/4/21

Dear CS,

RE: AGRICULTURAL DEVELOPMENT CORPORATION GALANA LAND

Agricultural Development Corporation (ADC) is the registered owner of Galana parcel of land block 1/1 and ADC is therefore the official custodian of their property complete with title deed in its name.

The ADC attention had been drawn by the invasion of the land by very few settlers who have cultivated less than 10 acres in very few small areas, adjudication process in the name of ADU KAMALE, ADU CHAMARI and WAKALA ADJUDICATION sections and massive sub-division and clearing for access roads by land buying companies / private persons. The resultant subdivisions are being sold to unsuspecting buyers and have already started cultivation and clearing of access roads.

By December 2020 the subdivision process had already invaded an area of approximately two hundred and fifty thousand acres (101,171 hectares). By the time the ADC Board of directors visited the land, subdivision process was going on and by 27th February 2021 the subdivision process had already encroached on ADC Land by three hundred and one thousand, three hundred and fifty (301,350) acres (121,952 hectares). That means the illegal land buying companies or individuals are illegally subdividing the ADC Galana land at the rate of twenty-five thousand (25,000) acres per month followed by clearing of access roads.

Also within the invaded land there is an individual excavating a dam on the ADC Land without ADC authority or agreement.

Fresh beacons, cutlines and road access opening to service the parcels on the land under subdivision was witnessed by ADC Board of Directors visit in February and March 2021 but unfortunately the persons who were subdividing the land took off and disappeared before the ADC could succeed in getting their identifications.

The Corporation (ADC) as a state body has been mandated to manage and safeguard the national farms which is very well stipulated in the subsidiary legislation under ADC Special Farms Rules (2001) which provides as follows: -

Sec 2 (2) "No special farm shall be sold, subdivided, transferred or otherwise disposed off without the prior approval by way of a Bill of Motion to be approved by Parliament."

Sec 2 (3) "Any sale, subdivision, transfer or disposal of any special farm made in contravention of this rule shall be null and void, and no instrument relating to such transaction shall be registered under any written law for the time being in force requiring the registration of such instrument."

However, ADC holds this land for the Governments strategic purposes and that is why they were gazetted as special farms. In the event that ADC or the government wishes to allocate some of the gazetted land, the following steps need to be noted as per the law to avoid future litigation against the current board of directors who did not participate in the process.

1. A board resolution indicating the need and the reason why ADC wishes to sell or allocate some of its land.
2. The same board resolution should be communicated to the line Ministry and Treasury for concurrence.
3. ADC should also seek authority from National Land commission for concurrence.
4. The Board resolution and authority from National Land commission is taken to National Assembly for debate and direction.

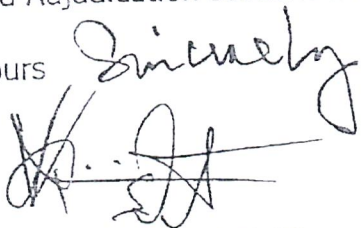
The sub-division and adjudication process taking place is neither as per the constitution, land adjudication, physical and land use planning act 2019, the Agricultural Development Corporation Act chapter 444, the Surveys Act Chapter 299, the Community Land Act 2016, the Land Control Act chapter 302, the Land Registration Act 2012, the Land Act 2012 nor following the laid down adjudication or subdivision procedures.

However, the purpose of this letter is to request Ministry of Lands to liaise with ADC and have the perimeter boundary established by the Director of Surveys to avoid overlap of adjacent land within established adjudication sections as well as respecting Land Act and Adjudication laid down procedures, Survey Act, Physical and Land Use Planning Act.

ADC also requests for information on the official Government position for consideration bearing in mind legal risks the Corporation will be exposed to should there be no participation of all stakeholders.

Attached please find the sketch map showing the extent of encroachment areas by subdivision and Adjudication sections into gazetted titled Galana ADC.

Yours



HON. NICHOLAS SALAT
CHAIRMAN ADC

Enc.

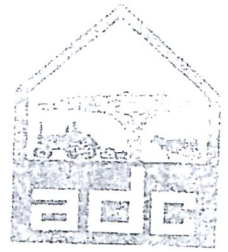
CC: Dr. Joseph Kinyua, EGH
Head of Public Service
Executive Office of the President
Harambee House
NAIROBI

Hon. Peter Munya, MGH
Cabinet Secretary
Ministry of Agriculture, Livestock,
Fisheries and Co-operatives
Kilimo House
NAIROBI

Hon. Amb. Ukur Yattani, EGH
Cabinet Secretary
National Treasury
NAIROBI

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION
P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695/185, 020-3315746
NAIROBI



Our Ref: MD/40/2/C/BM

9th April, 2021

Farida Karoney, EGH
Cabinet Secretary
Ministry of Lands and Physical Planning
NAIROBI

Dr. Nicholas Muraguri, CBS
Principal Secretary
Ministry of Land and Physical Planning
NAIROBI

Chairman Gershom Otachi
National Lands Commission
NAIROBI

Director of Land Adjudication and Settlement
P. O. Box 30450 - 00100
NAIROBI

Director of Surveys
NAIROBI

Kilifi County Commissioner
519 - 30108
KILIFI

Kilifi County Adjudication Officer
KILIFI

Kilifi National County Surveyor
KILIFI

Dear *CS,*

RE: AGRICULTURAL DEVELOPMENT CORPORATION GALANA LAND

Agricultural Development Corporation (ADC) is the registered owner of Galana parcel of land block 1/1 and ADC is therefore the official custodian of their property complete with title deed in its name.

The ADC attention had been drawn by the invasion of the land by very few settlers who have cultivated less than 10 acres in very few small areas, adjudication process in the name of ADU KAMALE, ADU CHAMARI and WAKALA ADJUDICATION sections and massive sub-division and clearing for access roads by land buying companies / private persons. The resultant subdivisions are being sold to unsuspecting buyers and have already started cultivation and clearing of access roads.

By December 2020 the subdivision process had already invaded an area of approximately two hundred and fifty thousand acres (101,171 hectares). By the time the ADC Board of directors visited the land, subdivision process was going on and by 27th February 2021 the subdivision process had already encroached on ADC Land by three hundred and one thousand, three hundred and fifty (301,350) acres (121,952 hectares). That means the illegal land buying companies or individuals are illegally subdividing the ADC Galana land at the rate of twenty-five thousand (25,000) acres per month followed by clearing of access roads.

Also within the invaded land there is an individual excavating a dam on the ADC Land without ADC authority or agreement.

Fresh beacons, cutlines and road access opening to service the parcels on the land under subdivision was witnessed by ADC Board of Directors visit in February and March 2021 but unfortunately the persons who were subdividing the land took off and disappeared before the ADC could succeed in getting their identifications.

The Corporation (ADC) as a state body has been mandated to manage and safeguard the national farms which is very well stipulated in the subsidiary legislation under ADC Special Farms Rules (2001) which provides as follows: -

Sec 2 (2) "No special farm shall be sold, subdivided, transferred or otherwise disposed off without the prior approval by way of a Bill of Motion to be approved by Parliament."

Sec 2 (3) "Any sale, subdivision, transfer or disposal of any special farm made in contravention of this rule shall be null and void, and no instrument relating to such transaction shall be registered under any written law for the time being in force requiring the registration of such instrument."

However, ADC holds this land for the Governments strategic purposes and that is why they were gazetted as special farms. In the event that ADC or the government wishes to allocate some of the gazetted land, the following steps need to be noted as per the law to avoid future litigation against the current board of directors who did not participate in the process.

1. A board resolution indicating the need and the reason why ADC wishes to sell or allocate some of its land.
2. The same board resolution should be communicated to the line Ministry and Treasury for concurrence.
3. ADC should also seek authority from National Land commission for concurrence.
4. The Board resolution and authority from National Land commission is taken to National Assembly for debate and direction.

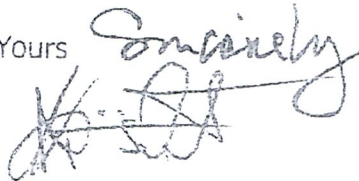
The sub-division and adjudication process taking place is neither as per the constitution, land adjudication, physical and land use planning act 2019, the Agricultural Development Corporation Act chapter 444, the Surveys Act Chapter 299, the Community Land Act 2016, the Land Control Act chapter 302, the Land Registration Act 2012, the Land Act 2012 nor following the laid down adjudication or subdivision procedures.

However, the purpose of this letter is to request Ministry of Lands to liaise with ADC and have the perimeter boundary established by the Director of Surveys to avoid overlap of adjacent land within established adjudication sections as well as respecting Land Act and Adjudication laid down procedures, Survey Act, Physical and Land Use Planning Act.

ADC also requests for information on the official Government position for consideration bearing in mind legal risks the Corporation will be exposed to should there be no participation of all stakeholders.

Attached please find the sketch map showing the extent of encroachment areas by subdivision and Adjudication sections into gazetted titled Galana ADC.

Yours



HON. NICHOLAS SALAT
CHAIRMAN ADC

Enc.

CC: Dr. Joseph Kinyua, EGH
Head of Public Service
Executive Office of the President
Harambee House
NAIROBI

Hon. Peter Munya, MGH
Cabinet Secretary
Ministry of Agriculture, Livestock,
Fisheries and Co-operatives
Kilimo House
NAIROBI

Hon. Amb. Ukur Yattani, EGH
Cabinet Secretary
National Treasury
NAIROBI

Prof. Hamadi Boda, PhD, CBS
Principal Secretary
Ministry of Agriculture, Livestock,
Fisheries and Cooperatives
State Department of Crop Development
and Agricultural Research
NAIROBI

Dr. (Eng.) Karanja Kibicho, CBS
Principal Secretary
Ministry of Interior & Coordination of
National Government
Harambee House
P. O. Box 30510 - 00100
NAIROBI



MINISTRY OF LANDS, HOUSING & URBAN DEVELOPMENT

Telegrams: "SETTLEMENT", Malindi
Telephone: Malindi
When replying please quote

DEPARTMENT OF ADJUDICATION
AND SETTLEMENT
P.O. Box 335
MALINDI

22ND OCTOBER, 2015

THE LAND ADJUDICATION ACT CAP 284 LAWS OF KENYA.
NOTICE OF THE ESTABLISHMENT OF AN ADJUDICATION SECTION-
BARICHO /DAKACHA ADJUDICATION SECTION WITHIN
MAGARINI SUB COUNTY- KILIFI COUNTY

Under Section 5 of the Land Adjudication Act Cap 284 Laws of Kenya, I the Land Adjudication Officer for Malindi/ Magarini Adjudication area do declare BARICHO WAKALA Adjudication section of Magarini Sub County in Kilifi County to be an Adjudication section. The boundaries of which run as follows:-

Commencing BARICHO PRIMARY SCHOOL. The goes northerly following the Marafa - Baricho road past Kanyumbuni upto Kasikini Juu. It then turns westerly upto Kasikini ya Chini. Turning again Southerly upto Kalaluwe. From there the boundary turns westerly upto Kararacha. It then turns Southerly upto Koromi. Turning again Easterly upto Mgamboni. It then turns Southerly upto Galana river and then runs downstream for 1.5 kilometres and then turns northerly upto Balaga. From this point it turns Easterly upto Dodosa and again turns Northerly upto Doolo on the main road to Matolani. It then runs parallel to the road upto the point of commencement at Baricho primary School.

All rights and interests in this land within this Adjudication section shall be ascertained and recorded in accordance with the provisions of the Land Adjudication Act. Any person claiming any such right or interest is requested to present his claim to the recording officer either in person or by duly authorized agent within four (4) months from the date of this notice.

In accordance with Section 30 of the Act, with effect from the date of this notice except with prior consent in writing of the Land Adjudication Officer, no person shall institute and no court shall hear any proceedings whatsoever, in which any right or interest in land within this Adjudication Section is in question until the Adjudication Register for this Adjudication section has become final in all aspects under Section 29 of the Act.

JAMES G. KAMAU,
DISTRICT LAND ADJ./SETTLEMENT OFFICER,
MALINDI/MAGARINI DISTRICTS.

The Governor Kilifi County
The Director of Land Adjudication-Nairobi
The Director of Surveys-Nairobi
The Provincial Commissioner-Coast province
All District Land Adjudication & Settlement Officers Kenya
All District Commissioners Kenya
The District Surveyor-Malindi
Clerk to County Council
The Officers Commanding-Kenya Army, Kenya Navy, Kenya Air force and Kenya Police
The Attorney General-Nairobi, Mombasa
The Registrar High Court- Nairobi, Mombasa
The Principle Magistrate-Malindi
The District Information Officer-Malindi-(please give a wide publicity in the Radio's and
Newspaper)
All District Officers-Malindi
All Chiefs-Malindi



MINISTRY OF LANDS, HOUSING & URBAN DEVELOPMENT

Telegrams: "SETTLEMENT", Malindi
Telephone: Malindi
When replying please quote

DEPARTMENT OF ADJUDICATION
AND SETTLEMENT
P.O. Box 335
MALINDI

11th April, 2017

THE LAND ADJUDICATION ACT CAP 284 LAWS OF KENYA.
NOTICE OF THE ESTABLISHMENT OF AN ADJUDICATION SECTION-
ADU/CHAMARI ADJUDICATION SECTION
WITHIN MAGARINI SUB COUNTY- KILIFI COUNTY

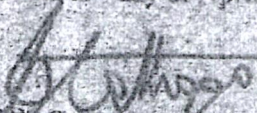
Under Section 5 of the Land Adjudication Act Cap 284 Laws of Kenya, I the Land Adjudication Officer for Malindi/ Magarini Adjudication Area do hereby declare ADU/CHAMARI Adjudication section of Magarini Sub County in Kilifi County to be an Adjudication section. The boundaries of which run as follows:-

Commencing from marafa to changoto road junction the boundary goes northerly up to the boundary of Galana ranch, it then turns northeasterly for twelve kilometers following galana ranch boundary, it turns northerly up to kilifi/tanariver county's boundary. it then turns southeasterly along the county boundary up to the point where it touches the boundary of adu/ kamale adjudication section. it then turns southerly following the boundary of adu/ kamale adjudication section up to adu trading center where it follows the boundary of adu scheme up to the point of commencement at marafa- chagoto road junction

All rights and interests in this land within this Adjudication section shall be ascertained and recorded in accordance with the provisions of the Land Adjudication Act. Any person claiming any such right or interest is requested to present his claim to the recording officer either in person or by duly authorized agent within four (4) months from the date of this notice.

In accordance with Section 30 of the Act, with effect from the date of this notice except with prior consent in writing of the Land Adjudication Officer, no person shall institute and no court shall hear any proceedings whatsoever, in which any right or interest in land within this Adjudication Section is in question until the Adjudication Register for this Adjudication section has become final in all aspects under Section 29 of the Act.

Dated this 11th day of April, 2017.


JAMES G. KAMAU,
DISTRICT LAND ADJ./SETTLEMENT OFFICER.

C. C

- The Principal Secretary
Ministry of Lands, Housing & Urban Development
P.O. Box 30450 - Nairobi
- The Director
Land Adjudication & Settlement Department
P.O. Box 30297 - Nairobi
- The Director of Surveys
P.O. Box 30046 - Nairobi
- The Chairman - National Land Commission
- The Governor - Kilifi County
- The County Commissioner - Kilifi County
- The Deputy County Commissioners - Magarini sub-county
- The Assistant County Commissioner - Marafa
- All County Commissioners- Kenya
- All District Land Adjudication & Settlement Officers- Kenya
- All Chiefs -Magarini
- The County Executive Committee Member (LHEP) - Kilifi County
- The Chief Officer (Land & Housing) - Kilifi County
- The Secretary County Land Management Board -Kilifi County
- The Speaker County Assembly - Kilifi County
- The County Surveyor -Kilifi County
- The County Physical Planner -Kilifi County
- The District Surveyor -Malindi
- The Officers Commanding -Kenya Army, Kenya Navy, Kenya Air force, Kenya Police
- The Hon. Attorney General -Nairobi
- The Registrar of High Court -Nairobi, Mombasa
- The Principal Magistrate -Malindi
- The District Information Officer -Kilifi/Malindi

(Please give this notice a wide publicity through Electronic & Print media)



MINISTRY OF LAND, HOUSING & URBAN DEVELOPMENT

DEPARTMENT OF ADJUDICATION
AND SETTLEMENT
P.O. Box 335
MALINDI

Telegrams: "SETTLEMENT", Malindi
Telephone: Malindi
When replying please quote

22ND December, 2015

RE: THE LAND ADJUDICATION ACT CAP 284 LAWS OF KENYA.
NOTICE OF THE ESTABLISHMENT OF AN ADJUDICATION SECTION.
ADU/ KAMALE ADJUDICATION SECTION WITHIN
MAGARINI SUB COUNTY- KILIFI COUNTY

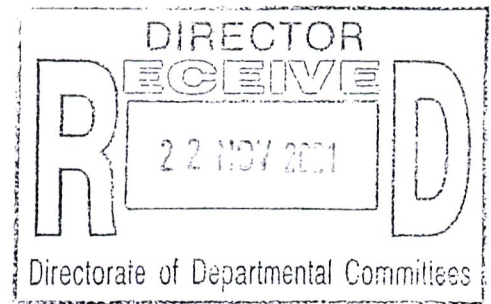
Under Section 5 of the Land Adjudication Act Cap 284 Laws of Kenya, I the Land Adjudication Officer for Malindi/ Magarini Adjudication area do declare ADU /KAMALE Adjudication section of Magarini Sub County in Kilifi County to be an Adjudication section. The boundaries of which run as follows:-

Commencing from kurawa kanagoni bridge the boundary follows garsen Malindi road towards Malindi up to mkono wa njongoo, it then turns and follows the westerly boundary of kanagoni kabicha adjudication section, it then follows southerly direction up to kaoyeni then turns westerly following the boundaries of Ramada and Adu settlement schemes up to Adu chiefs office it then follows Adu scheme boundary westerly up to ADC Galana Ranch. It then follows Galana ranch boundary north easterly for 24 kilometers, then turns northerly up to the Kilifi and Tana River county boundary and then turns south easterly and follows the boundaries of Kamale holding grounds up to the point of commencement at Kurawa Kanagoni Bridge.

All rights and interests in this land within this Adjudication section shall be ascertained and recorded in accordance with the provisions of the Land Adjudication Act. Any person claiming any such right or interest is requested to present his claim to the recording officer either in person or by duly authorized agent within four (4) months from the date of this notice.

In accordance with Section 30 of the Act, with effect from the date of this notice except with prior consent in writing of the Land Adjudication Officer, no person shall institute and no court shall hear any proceedings whatsoever, in which any right or interest in land within this Adjudication Section is in question until the Adjudication Register for this Adjudication section has become final in all aspects under Section 29 of the Act.


JAMES G. KAMAU
DISTRICT LAND ADJ./SETTLEMENT OFFICER,
MALINDI/ MAGARINI DISTRICTS.



MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

Honourable Chair,

Leonard Ndura

pls facilitate
up to 22/11/21

Pursuant to a letter Ref. **NA/DDC/LANDS/2021/ (149)** dated October 21, 2021, the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning to respond to the following petitions:

1. Public Petition No. 037 of 2021 by Hon. Sarah Korere, MP on behalf of residents of Kirimun regarding restoration of Kirimun Community land
2. Public Petition No. 004 of 2021 by Hon. Michael Kingi, MP on behalf of Magarini community land owners regarding irregular extension of Galana Ranching boundary
3. Public Petition No. 004 by Hon. Joshua Kutuny, MP on behalf of the family of the late Hon. Arthur Kinyanjui Magugu, MP regarding alleged fraudulent subdivision of land registered as L.R No. 12422/9
4. Public Petition No. 056 of 2021 by Hon. Khatib Mwashetani, Mp on behalf of residents of Wasini island regarding appeal for land adjudication in Wasini island
5. Public Petition No. 063 by Hon. Mishi Mboko, MP on behalf of residents of Mwananguvuze village in Timgwani Ward, Likoni Constituency regarding securing land ownership rights of Mwananguvuze residents
6. Public Petition No. 068 by Victor Mwanganda Gogo on behalf of residents of Kwa Kadzenzo village in Mtepeni Ward of Kilifi regarding resolution of Kwea Kadzenzo land dispute

Honourable Chair, I wish to respond as follows:

1. **PUBLIC PETITION NO. 037 OF 2021 BY HON. SARAH KORERE, MP ON BEHALF OF RESIDENTS OF KIRIMUN REGARDING RESTORATION OF KIRIMUN COMMUNITY LAND**

Honourable Chair,

The petitioners state that Kirimun community land measuring approximately 55,000 acres located along the Ewaso Nyiro river has since time immemorial been occupied by the Samburu Community.

In 1923, the British colonial government dispossessed the community of its land and handed it to a white settler known as Major Y. It is stated that the land was later transferred to Almo Company owned by a white settler.

The petitioners contend that the post-colonial government of Kenya took control of the land at independence and registered it as L.R No. 8036. It was then placed under the defunct Livestock Marketing Division. In the process, the community members were displaced and have since settled in Parkare area of Kirimun Sub-Location of Sosian Ward in Laikipia North Constituency and around Kirimun water springs.

According to the petitioners, the land is currently being utilised by the National Youth Service for low-scale livestock farming. They claim that they have been issued a notice to vacate the land and that efforts to address the historical injustice have been futile. They have petitioned the Committee to:

- i) Intervene to facilitate restoration of at least 75% of the irregularly occupied land back to members of the Kirimun community
- ii) Recommend the urgent suspension of the vacation notice pending stakeholder consultations
- iii) Make any further order (s) deemed fit in the circumstances of the petition

Response

Honourable Chair, I wish to respond as follows:

According to our records, Kirimun Ranch is located on L.R No. 8036 and measures 16,655 Hectares (41,276 Acres). **Annexure 1** is a copy of Deed Plan No. 325695.

Vide a letter Ref. 36661/59 dated December 22, 1954 (**Annexure 2**), the ranch was reserved for the Veterinary Department as a Livestock Holding ground for a term of 5 years – with effect from January 1, 1956.

In 1958, the Ministry of Agriculture and Livestock Development applied to the Commissioner of Lands for a permanent reservation of the Holding Ground. This request was considered and approved by the Land Board at its meeting on February 25, 1959. A copy of the consent is marked **annexure 3**.

By a letter Ref. OP/CA.1/34A dated April 23, 1982 (**annexure 4**), the then Minister for Regional Development, Science and Technology wrote to the Minister for Lands and settlement to confirm that the National Youth Service was taking over the farm.

While the National Youth Service was taking over and settling on the farm, a delegation of leaders from Laikipia District also visited the then President of the Republic of Kenya (H. E. Daniel Arap Moi) on July 16, 1984, they petitioned the President to consider establishing a Game Reserve at Kirimun Holding Ground, a request which was assented to by the President. Annexure 5 is a copy of a letter from the then Laikipia County Council Ref. LCC/ADM/36/46 dated May 8, 1990 communicating the President's approval.

In 1991, the Laikipia National Reserve was established vide Legal Notice No. 526 of October 16, 1991 (annexure 6) to cover the area previously known as Kirimun Holding Ground. In 1999, the same land (L.R No. 8036) was formally allocated to the National Youth Service despite the fact that it had, in 1991 been Gazetted as a National Reserve. A copy of the Letter of Allotment Ref. 215338/8 dated July 9, 1999 is marked annexure 7.

Upon receipt of the Letter of Allotment, the NYS duly accepted the offer and made the requisite payments and an official receipt No. E.522453 dated March 15, 2000 was issued by the Commissioner of Lands (annexures 8a and 8b).

The decision to allocate the land to the NYS did not go down well with both the County Council of Laikipia and the Kenya Wildlife Service who protested the allocation stating that land was not available for alienation owing to the fact that it had earlier in 1991 been gazetted as a conservation area. Annexures 9a and 9b are copies of the protest letters.

In an effort to resolve the issue of ownership of the land, the Ministry mediated several meetings between the parties (County Council of Laikipia, Kenya Wildlife Service and the NYS) without any success. On April 14, 2004, the Permanent Secretary, Secretary to the Cabinet and Head of Public Service held a meeting in his office, Harambee House, where all the parties to the dispute were invited/present. Present in the meeting were:-

Amb. Francis K. Muthaura	-	Permanent Secretary, Secretary to the Cabinet and Head of the Public Service
Mr. Kiriinya Mukiira	-	Permanent Secretary, Ministry of Lands
Mr. Zachary O. Ogongo	-	Permanent Secretary, Ministry of Local Government

Mr. Sylvester M. Mwaliko	-	Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs
Mr. Daniel M. Mule	-	Permanent Secretary, Ministry of Livestock and Fisheries Development
Mrs. Judith Okungu	-	Commissioner of Lands
Mr. Japheth Mwanja	-	Director, National Youth Service
Mr. H. K. Gitu	-	Clerk, Laikipia County Council
Mr. Daniel Omwemba	-	For Director, Kenya Wildlife Service
Mrs. Rosemarie Kigame	-	Cabinet Office
Mr. Stephen K. Kirogo	-	Recording

From the above meeting, it was resolved that:

- (a) Laikipia County Council retains Kirimun ranch for the establishment of a Game Reserve
- (b) National Youth Service retains the remainder of Marmar Ranch L.R No. 8052 (Now surveyed as L.R 25089) measuring 18,030.65 Hectares.
- (c) Cadastral Survey for both ranches be carried out immediately to facilitate the preparation and issuance of Title Deeds.

Annexure 10 is a copy of minutes of the meeting.

On the basis of the above resolutions, a Letter of Allotment was formally issued to the County Council of Laikipia Ref. 36661/143 dated May 24, 2004 for L.R 8036 measuring 16,738 hectares (41,360 Acres). The letter superseded the Letter of Allotment Ref. 215338/8 dated July 9, 1999, which allocated the land to the NYS. The Letter of Allotment indicates that the land was allocated for Kirimun Game Reserve.

Upon receipt of the Letter of Allotment (annexure 11), Laikipia County Council accepted the offer and made the necessary payments and an official receipt No. F. 827364 dated June 25, 2004 was issued by the Commissioner of Lands. Annexures 12 a and 12 b are copies of the acceptance letter and payment receipt respectively.

Honourable Chair, the interest of the NYS on property was extinguished by the issuance of a letter of allotment to the Laikipia County Council. The gazettment of the land as a National Reserve has not been challenged or vacated through another Legal Notice.

**2. PUBLIC PETITION NO. 004 OF 2021 BY HON. MICHAEL KINGI, MP
ON BEHALF OF MAGARINI COMMUNITY LAND OWNERS
REGARDING IRREGULAR EXTENSION OF GALANA RANCHING
BOUNDARY**

Honourable Chair,

The petitioners state that Galana Game and Ranching community land in Kilifi and Tana River counties was indigenously settled on by the Waata and Giriama communities. They claim that the boundaries of the land were marked in 1961 jointly by Waata and Giriama communities together with representatives of the colonial government.

According to the petitioners, the original boundary points were Kisiki, Tanke, Kore and Didimabul with the upper western part boundary point being allocated to Galana Ranching and the lower eastern land being reserved for the community. In 1972, the Agricultural Development Corporation (ADC) took over the land.

The petitioners claim that in the year 2020, the ADC without due public participation undertook an illegal/irregular boundary extension exercise that resulted in new boundary points at Chain Barrier (Sameta), Kormotho, Dakabuko, Kalaluwe, Gurujo, Bisaadhi, Diririsa, Bibithole, Changoto and Dera which were then gazetted for adjudication.

They claim that efforts to address the issue with the relevant authorities including the National Land Commission and the National Environment Management Authority have been futile. The petitioner thus requests the Committee to:

- i) Inquire into the matter with a view to securing with the assistance of the National Land Commission, the restoration of the original boundary points of the Galana Game and Ranching land so as to safeguard the land originally allocated to the local community
- ii) Cause the Ministry of Lands and Physical Planning to complete the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas with a view to ensuring that members of the community are issued with title deeds
- iii) Make any other order or direction that it deems fit in the circumstances of the matter.

Response

Honourable Chair, I wish to respond as follows:

The alleged “community land” falls within the declared adjudication sections of Adu Kamale and Adu Chamari bordering the ADC land. The adjudication sections were declared on April 11, 2017. 8,100 plots have been surveyed in Adu Kamale while 3,300 parcels have been surveyed in Adu Chamari. What remains is publication of the maps.

The petitioners claim that a portion of the ADC land (measuring approximately 237,643.05 Hectares) from Kisiki beacon through Koromodo, Dera Bure and Didima Bule Beacon shaded in the sketch map marked **annexure 13** has encroached on the “community land” which they seek to have it adjudicated

There are several villages within the contentious portion of the ADC land, which is settled by the local communities. The villages include Changoto, Gabo, Dhambela, Mambruk Mukale, Masa/Mchekenzi, Chanjalo, Kamale, Dera, Matharba, Kori, Kilulu, Ndharako, Kaloleni, Daririsa, Mbuuni ‘B’, Bihole, Chalalu, Bate, and Borani. The local community believe its boundary runs from Kisiki beacon to Didima Bule beacon as shown in the sketch plan, which is not the case.

3. PUBLIC PETITION NO. 004 BY HON. JOSHUA KUTUNY, MP ON BEHALF OF THE FAMILY OF THE LATE HON. ARTHUR KINYANJUI MAGUGU, MP REGARDING ALLEGED FRAUDULENT SUBDIVISION OF LAND REGISTERED AS L.R NO. 12422/9

Honourable Chair,

The petitioner claims that land parcel L.R No.12422/9 measuring approximately 41.133 Hectares was registered in the name of the late Hon. Arthur Kinyanjui. The certificate of title was issued on December 16, 1982. They state that on February 19, 1991, the deceased engaged the firm of Kamwere & Associates Surveyors to carry out subdivision of the land into two (2) parts. The subdivision was carried out to create L.R Nos. 12422/203 & 12422/204.

They claim that the surveyor subsequently fraudulently subdivided parcel L.R No. 12422/204 to create L.R Nos. 12422/318 & 12422/319 vide a Certificate of Subdivision given on October 25, 1993 by the Town Clerk, City Council of Nairobi approving the subdivision. Parcel L.R No. 12422/319 was transferred to Karura Investment Limited on the same day. The Petitioners claim that the subdivision of L.R No. 12422/204 was fraudulent for the following reasons:

- i) The Certificate of Title in respect of L.R No. 12422/204 was issued to the deceased
- ii) The application for consent to transfer parcel L.R No. 12422/319 is not dated nor signed
- iii) The consent to transfer parcel L.R No. 12422/ 319 was made one (1) month before the parcel was created.
- iv) The transfer document dated October 25, 1993 was only executed by the alleged vendor and not the purchaser.

The Petitioners therefore request the Committee to:

- i) Inquire into the issues raised in the petition
- ii) Make recommendations requiring the Registrar of Titles to cancel the fraudulent entries of title registered under L.R 12422/319
- iii) Make any other recommendations, as it may deem appropriate.

Response

Honourable Chair, I wish to respond as follows:

The Ministry submitted its response to the petition vide the reports dated September 14, 2021 and September 22, 2021 (**annexures 14 and 15**). We appeared before the Committee on September 22, 2021 where we requested the Committee to allow the Ministry more time to summon the parties to the petition to provide documentation regarding subdivision of land parcel L.R No. 12422/204 and subsequent transfer of L.R No. 12422/19.

Honourable Chair, we wish to report that we have received relevant documentation from the petitioners and Karura Investments Limited. The Ministry is currently undertaking scrutiny of the documents presented and will forward findings to the committee within one week from the date of this report.

4. PUBLIC PETITION NO. 056 OF 2021 BY HON. KHATIB MWASHETANI, MP ON BEHALF OF RESIDENTS OF WASINI ISLAND REGARDING APPEAL FOR LAND ADJUDICATION IN WASINI ISLAND

Honourable Chair,

The petitioners aver that they occupy land parcel registered as Provincial Plot No. PW33/Wasini Island (approximately 289 acres) located near Shimoni town in the coastal region. They claim that the island was declared an adjudication section on October 31, 1979. It was surveyed, adjudicated and titles issued.

In 1995, one Hassan Nassir and Ahmed Nassir who had approximately 5 acres of land to their name challenged the adjudication process in court by suing one Mohamed Masoud and Hamadi Khalfan. In July 1995, the High Court issued an order directing the Chief Land Registrar to cancel the titles issued and called for the process to be undertaken afresh. This has not been done. The petitioners aver that efforts to have the matter resolved by the relevant authorities have borne no fruits. They therefore request the Committee to:

- i) Intervene to either secure the undertaking of a new adjudication process or to secure the declaration that all title deeds as initially issued remain valid and legal
- ii) Intervene to protect Wasini island which is an ancestral land to local communities from being grabbed or illegally acquired from them on account of the ongoing construction of Shimoni port
- iii) Causes the Ministry of Lands and Physical Planning to explain why it sent over 100 armed police officers to oversee and illegal and irregular surveying of the land without following due process and without meeting numerous legal requirements
- iv) Make any other recommendations it deems appropriate in the circumstances of the petition.

Honourable Chair, I wish to respond as follows:

Wasini Island underwent a land adjudication process in 1979 and a total of 428 titles covering 403.8 Hectares were issued under the Registered Land Act in 1984. Plot No. W/33 was among those adjudicated and titles issued.

The titles falling on Plot No. W/33 were challenged by one Sagaaf bin alawi (heir of Hassan Nassir, Mohammed Nassir and Ahmed Nassir) who claimed to have lodged a claim with the Recorder of titles Ref. No. V/590/20 over ownership of a portion of the plot in 1967.

In 1969, the Recorder of titles in the presence of all the disputing parties determined the case and awarded the land to Hassan Nassir, Mohammed Nassir and Ahmed Nassir (all deceased) under Section 7(1) of the Land Titles Act (Repealed). The Recorder of Titles clearly defined the extent of the four boundaries covering Plot No. W/33. **Annexure 16** is a copy of the proceedings before the Recorder of Titles. The decision can only be challenged through a court of Law.

In 1981, Sagaaf alwy on his own behalf and on behalf of the other heirs Hassan, Mohammed and Ahmed (plaintiffs) filed Civil Suit No. 727 of 1981 at the High Court in Mombasa against the Attorney General, Mohamed Masoud and Hamadi Khalfan challenging the adjudication of land to third parties. He claimed that Plot No. W/33 belongs to the said heirs through the award by the Recorder of Titles.

During the adjudication process, Sagaaf alwy did not raise objection on the area he is raising claim (P/No. 33) as required in the Land Adjudication Act (Cap. 284).

On July 21, 1995, the High Court awarded the land to the plaintiffs and ordered the cancellation of the titles and rectification of the Register within 21 days. The judgment shows that the defendants, Mohamed Masood and did not adduce evidence in their defence although they participated in the suit throughout the hearing. Although the Attorney General was a defendant in the case, the proceedings did not show his participation on the matter. A copy of the judgement is marked **annexure 17**.

The court issued an order on January 15, 1997 (**annexure 18**) to nullify titles falling with Plot No. P.W. 33. It reiterated that the judgement of the Recorder of Titles was valid and therefore the purported adjudication and subsequent creation of plots on the aforesaid plot No. W/33 Wasini Island was null and void. Titles falling on Plot No. P.W. 33 were cancelled vide Gazette Notice No. 1948 of April, 11, 1997. A total of 68 parcels were affected covering approximately 124.7 Ha. **Annexure 19** is a list of the affected titles.

On July 30, 1999, the Environment and Land Court in Mombasa issued an order to the OCPD Msambweni to provide security to enable the Government Surveyor to survey the land for issuance of title to the Plaintiffs in Civil Suit No. 727 of 1981. This was not possible due to hostility from the local community. A copy of the order of court is marked **annexure 20**.

On September 25, 2021, the County Surveyor Kwale managed to secure security and surveyed the land. The total area surveyed was about 124.7 Hactares covering the parcels falling on Plot No. V.33. However, during the Parliamentary Committee on Lands visit to Wasini on November 5, 2021, it was established that the 1999 court order used by the Surveyor and the Police to cause survey of the disputed land was expired. Section 4 (4) of the Limitation of Actions Act (Cap. 22) provides that an action may not be brought upon a judgment after the end of twelve years from the date on which the judgment was delivered.

Honourable Chair, despite the survey being undertaken, the Registry Index Map has not been prepared for registration and issuance of title since the survey was undertaken on the basis of expired court order.

5. PUBLIC PETITION NO. 063 BY HON. MISHI MBOKO, MP ON BEHALF OF RESIDENTS OF MWANANGUVUZE VILLAGE IN TIMGWANI WARD, LIKONI CONSTITUENCY REGARDING SECURING LAND OWNERSHIP RIGHTS OF MWANANGUVUZE RESIDENTS

Honourable Chair,

The petitioners aver that land registered as Plot No. 120 located in Mwananguvuze village in Timbwani Ward, Likoni Constituency has been their ancestral land for over 150 years as exemplified by ancient gravesites and the Mwananguvuze mosque whose foundation stone was laid by Hon. Shariff Nassir in 1980.

They aver that when land adjudication commenced in the constituency, they were assured of securing their land rights but unknown to them, titles were issued to strangers under unclear circumstances. They claim that they are aware that one Mr. Mahesh Jatantilal Haria plans to occupy the entire land and intends to evict them. They claim that efforts to address their concerns with the relevant authorities have been futile. The Petitioners have therefore filed the petition to request the Committee to:

- i) Conduct a fact-finding mission to Mwananguvuze village to ascertain the situation on the ground
- ii) Urgently intervene to forestall the impending eviction of residents of Mwananguvuze village
- iii) Investigate the circumstances in which the said Mr. Mahesh Jatantilal Haria seeks to assume ownership of the parcel of land
- iv) Make any other recommendations it deems appropriate in the circumstances of the petition

Honourable Chair, I wish to respond as follows:

According to our records, the subject land L.R No. MS/1/120 was initially Government land. The following subdivisions have since been registered against parcel.

Parcel No.	Area	Ownership Status
Plot No. 1789	0.1034Ha.	Msa Holdings Limited
Plot No. 1787	0.0254 Ha.	Abdalla Chuo Ali
Plot No. 1788	0.0534Ha.	Abdalla Chuo Ali
Plot No. 1786	Ownership details to be confirmed soonest possible	
Plot No. 1780	Ownership details to be confirmed soonest possible	

Plot MS/1/1836	0.400Ha.	1 st owner – Nourdin Ahmed Abubakar 2 nd owner – Transoil Kenya Limited Current owner – Mahesh Jaltantilal
Plot MS/1/1837	approximately 52 acres	Ownership details to be confirmed soonest possible

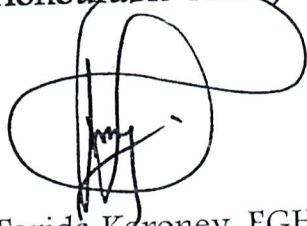
Note: Mwananguvuze villages occupy all the above parcels of land. The area is densely populated with over 400 permanent structures, graves, madrassa, markets, schools, mosques, churches. The owner of parcel MS/1/1836 (Mahesh Jaltantilal) has issued eviction notice to the residents through his lawyer.

6. PUBLIC PETITION NO. 068 BY VICTOR MWAGANDA GOGO ON BEHALF OF RESIDENTS OF KWA KADZENGO VILLAGE IN MTEPENI WARD OF KILIFI REGARDING RESOLUTION OF KWEA KADZENGO LAND DISPUTE

Honourable Chair,

We request two more weeks to compile our response to the petition.

Honourable Chair, I submit.



Farida Karoney, EGH
CABINET SECRETARY

November 19, 2021

REPUBLIC OF KENYA

DISTRICT OF LAIKIPIA

Land Reference No. 8036

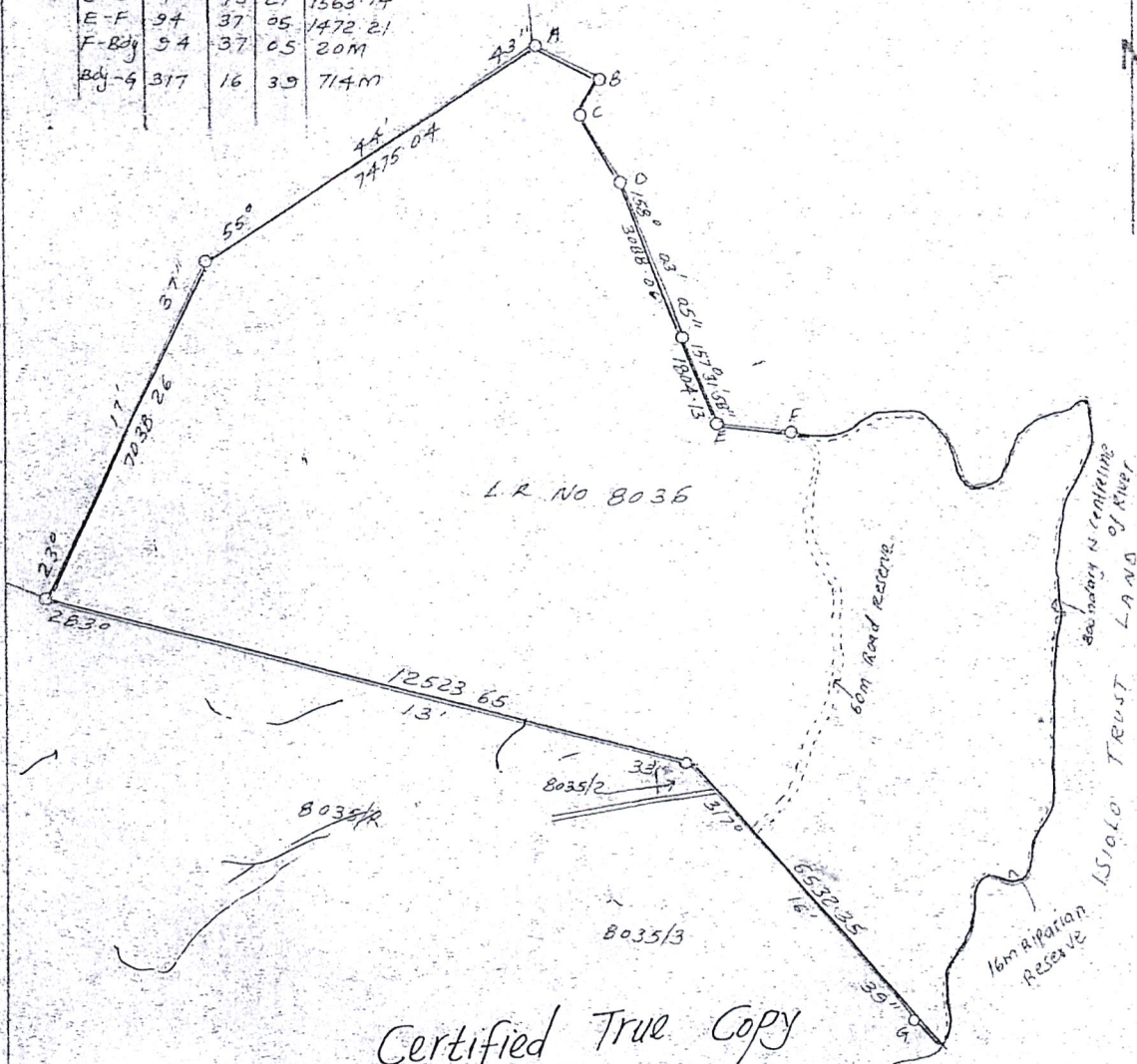
Locality North East of Rumuruti Township (Orig No

Reference Map North A 325689
S. II. C

Sub division No. (Orig No.
of section No.

Bearings			Distance Metres
A-B	117	27 37	1363.80
B-C	210	02 24	789.15
C-D	146	43 27	1563.74
E-F	94	37 05	1472.21
F-Bdy	94	37 05	20M
Bdy-G	317	16 39	714M

Total Area = 16736 Ha (approx)
Less Riparian Area = 34.60 Ha (approx)
Less Road Reserve = 48.60 Ha (approx)
Net Area = 16655 Ha (approx)



Certified True Copy

M. N. Kamunyu
M.N. KAMUNYU

for Director of Surveys
Nairobi 20TH FEBRUARY 2020

M. N. Kamunyu
M.N. KAMUNYU

A.M. Gatho
Licensed Surveyor

FR No 361/32
COMPS NO. 58265

NATIONAL YOUTH SERVICE

for Director of Surveys

Nairobi 20TH FEBRUARY 2020

Traced by *A. Gatho*
Compared by *M. N. Kamunyu*

Scale 1:100,000
REDRAWN COPY ON 20/02/2020

DEED PLAN No. 325695

56661/50

23rd, December, 1954

The Director of Veterinary Services,
Veterinary Research Laboratory,
A.C. SHERIFF

WORLD LIAISON - AIRBORNE AREA

Please refer to your letter No. 56661/VI/21, dated the 18th. December, 1954.

2. The above area as edged red on the plan attached to my letter No. 56661/5, dated the 18th. January, 1955, is reserved for the use of your Department for a period of 5 years from the 1st. January, 1955.

A. E. SKINE
for GENERAL OFFICER
WORLD LIAISON - AIRBORNE AREA

Copy to:- The Hon. Minister for Agriculture, Animal Husbandry and Water Resources, P.O. Box 625, WINDHOLE

The Director of Surveys, WINDHOLE.

The Officer i/c Records
Records Draughtsman.

Noted [Signature] 24/12/54.

Noted [Signature] 24.12.54.

79/34661

BEING UP "A"
1/1/1961

See (98) PA.

THE LAND BOARD.

The 150th Meeting of the
Land Board was held at the Department of Lands, Government
Road, Nairobi at 11.30 a.m. on 25th February 1969
MINUTE NO. 1099.

ITEMS ON THE AGENDA.

36661

1. North Laikipia - L.R. No. 8036 -
approximately 41,276 acres - "Kirimun".

The Board took note of a statement containing details of an application made by the Permanent Secretary, Ministry of Agriculture, Animal Husbandry and Water Resources, for the above-mentioned land to be reserved permanently to the Veterinary Department for the purpose of a cattle holding ground.

The Chairman informed the Board that the application had been strongly supported by the Provincial Commissioner and the District Commissioner and that the Aberdare County Council had agreed to the proposal.

The Board recommended that this land should be reserved for the purpose of a cattle holding ground.

7

—

36661/111

111

24/4/82

CONFIDENTIAL

23rd April, 1982.

OP/CA.1/34A

105/36661

Hon. G.G. Kariuki, M.P.,
Minister for Lands and Settlement,
NAIROBI.

Dear

RE: TRANSFER OF KIRIMUN FARM TO
NATIONAL YOUTH SERVICE

Please refer to various discussions concerning the transfer of Kirimun Farm to National Youth Service which has been going on since August 1981. I now feel that the subject be brought to finality.

I would like to confirm that the National Youth Service is ready to take over the farm. In this regard I would appreciate if you would instruct the Commissioner of Lands to institute the necessary facilitation for the transfer of this property.

I would also like to confirm the willingness on the part of the National Youth Service to arrange for special facilities for the Livestock Marketing Division (LMD) to obtain the necessary holding ground for their requirements, within the complex.

Yours

Hon. K.N.K. BIWOTT
MINISTER

cc.

Hon. A.K. Magugu,
Ministry of Finance,
P.O. Box 30007,
NAIROBI.

Hon. P.J. Ngai,
Ministry of Livestock Development,
P.O. Box 68228,
NAIROBI.

Mr. G.W. Griffin,
National Youth Service,
P.O. Box 30397,
NAIROBI.

[Signature]
The Commissioner of Lands,
P.O. Box
NAIROBI

CONFIDENTIAL

LAIKIPIA COUNTY COUNCIL

118

Tel. NANYUKI 2041

All correspondence to be
addressed to the Clerk of the Council



P.O. Box 4
NANYUKI

Ref. LCC/ADM/36/46

8th May, 1990

SPPo
Status, user & area
[Signature]
10/5/90

The Commissioner of Lands,
Department of Lands,
P.O. Box 30089,
NAIROBI.

TRANSFER OF KIRIMUN RANCH TO LAIKIPIA COUNTY COUNCIL AND ESTABLISHMENT OF GAME RESERVE

You may be aware that Kirimun Ranch L.R. No. 8036 was donated to Laikipia County Council for establishment of a Game Reserve by H. E. The President in 1984 during a Laikipia District Leaders delegation at state House Nakuru. Following this announcement, the Provincial Commissioner, Rift Valley, conveyed this to the Director of Tourism and Wildlife requesting him to implement the decision vide his letter Ref.: SR.GA. 22/2/Vol. III/81 dated 12th August 1985 (copy attached).

To enable the gazettment of the Ranch as a Game Reserve, I wish to earnestly request you to arrange for the Transfer of the land to Laikipia County Council.

PNW/mnn.

for.

[Signature] 157/2661
(P. N. WAINAINA)
CLERK TO THE COUNCIL

c.c.

Director,
Kenya Wildlife Services,
P.O. Box 40241,
NAIROBI.

Permanent Secretary,
Ministry of Local Government,
P.O. Box 30004,
NAIROBI.

Permanent Secretary,
Office of the President,
P.O. Box 30510,
NAIROBI.

District Game Warden,
P.O. Box 195,
NANYUKI.

C/L
Please refer to your minutes and note that the plot in question is a veterinary reserve (Outspan), file n 36661 refers and its total area is 41276 Acs

LEGAL NOTICE No. 525

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by section 20 of the Standards Act, the Minister for Industry, after consultation with the National Standards Council, makes the following Regulations:—

THE STANDARDS (NATIONAL CALIBRATION SERVICE
(AMENDMENT) REGULATIONS, 1991

1. These Regulations may be cited as the Standards (National Calibration Service) (Amendment) Regulations, 1991.

L.N. 8/1984.

2. The Standards (National Calibration Service) Regulations are amended by deleting regulation 3 (1) and inserting the following—

(1) The Minister may, by notice in the Gazette, publish the categories of precision instruments, gauges and scientific apparatus which shall be calibrated by the Bureau and the notice shall state—

- (a) the date by which the precision instruments, gauges and scientific apparatus within that category shall be calibrated;
- (b) the Kenya Standard to be used for calibration;
- (c) the interval between each calibration; and
- (d) the fee to be paid for the calibration.

Made on the 8th October, 1991.

J. KYALO,
Minister for Industry.

LEGAL NOTICE No. 526

THE WILDLIFE (CONSERVATION AND
MANAGEMENT) ACT

(Cap. 376)

IN EXERCISE of the powers conferred by section 18 (1) of the Wildlife (Conservation and Management) Act, the Minister for Tourism and Wildlife, after consultation with the County Council of Laikipia, declares that the area of land described in the Schedule shall be a National Reserve to be known as the Laikipia National Reserve.

SCHEDULE

THE LAIKIPIA NATIONAL RESERVE

All that area of land measuring 165 square kilometres approximately, situated north-east of Rumuruti Town in Laikipia District of Rift Valley Province, the boundaries which are

18/10/91

more particularly delineated, edged purple on Boundary Plan No. 216/57 which is signed, sealed and deposited at Survey of Kenya Records office, Nairobi and copy of which may be inspected at the office of the Director, Kenya Wildlife Service, Nairobi.

Made on 16th October, 1991.

N. K. NGALA,
Minister for Tourism and Wildlife.

LEGAL NOTICE No. 527

THE RENT RESTRICTION ACT

(Cap. 296)

IN EXERCISE of the powers conferred by section 36 (1) of the Rent Restriction Act, the Minister for Lands and Housing makes the following Regulations:—

THE RENT RESTRICTION (AMENDMENT)
REGULATIONS, 1991

1. These Regulations may be cited as the Rent Restriction (Amendment) Regulations, 1991, and shall be deemed to have come into operation on the 4th November, 1991.

2. The Rent Restriction Regulations are amended by deleting the Schedule of fees and inserting the following new Schedule—

Sub. Leg.

SCHEDULE OF FEES

(r. 5)

	Sh.
1. For filing an application under Order XXV of the Civil Procedure Rules	100
2. For filing all other applications	60
3. On instituting proceedings for arrears of rent where the sum involved is—	
(i) less than Sh. 1,000	120
(ii) more than Sh. 1,000 but less than Sh. 5,000	220
(iii) over Sh. 5,000	370
4. For inspecting or viewing premises at the request of a party	150
5. For making certified copy of proceedings or any document connected with the complaint—	
(i) for the first folio of 100 words	40
(ii) for each subsequent folio	20
6. For issue of hearing notice	50

180/36661

F 36661

129
New file

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi

Telephone: Nairobi 718050/9

NATIONAL YOUTH SERVICE,
P.O. BOX 30397,
NAIROBI.

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

9th July, 1999

Ref. No. 215338/8

SIR(S)/MADAM, **LR. No. 9036 - MARMAR SUB UNIT (LAIKFFEA)**

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of _____ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. _____ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 41276 Acres/hectares (approximately).

TERM: 99 years from the 1.7.1999

STAND PREMIUM: Sh. Nil } Subject to adjustment on survey, but
ANNUAL RENT: Sh. Peppercorn } there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	-
Rent from 1.7.1999 to 31.12.1999	-
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates On demand	-
Stamp Duty	20.00
Survey Fees	-
Road and Road Drains	-
Others	-

107-36661(A)

Receipt No. _____ Less Deposit _____

TOTAL Sh. 1,520.00

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Government

M. M. KANAKE (MISS),
for Commissioner of Lands

ENCL. P/S Treasury of P.O. Box 30007, Nairobi
BY TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of Laikipia

The District Commissioner. Laikipia

The Director of Physical Planning, Nairobi.

District Land Officer. Laikipia

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records. *noted* } *2 B/3/2000*
All to note.

Senior Plan Record Officer.

Plot File.

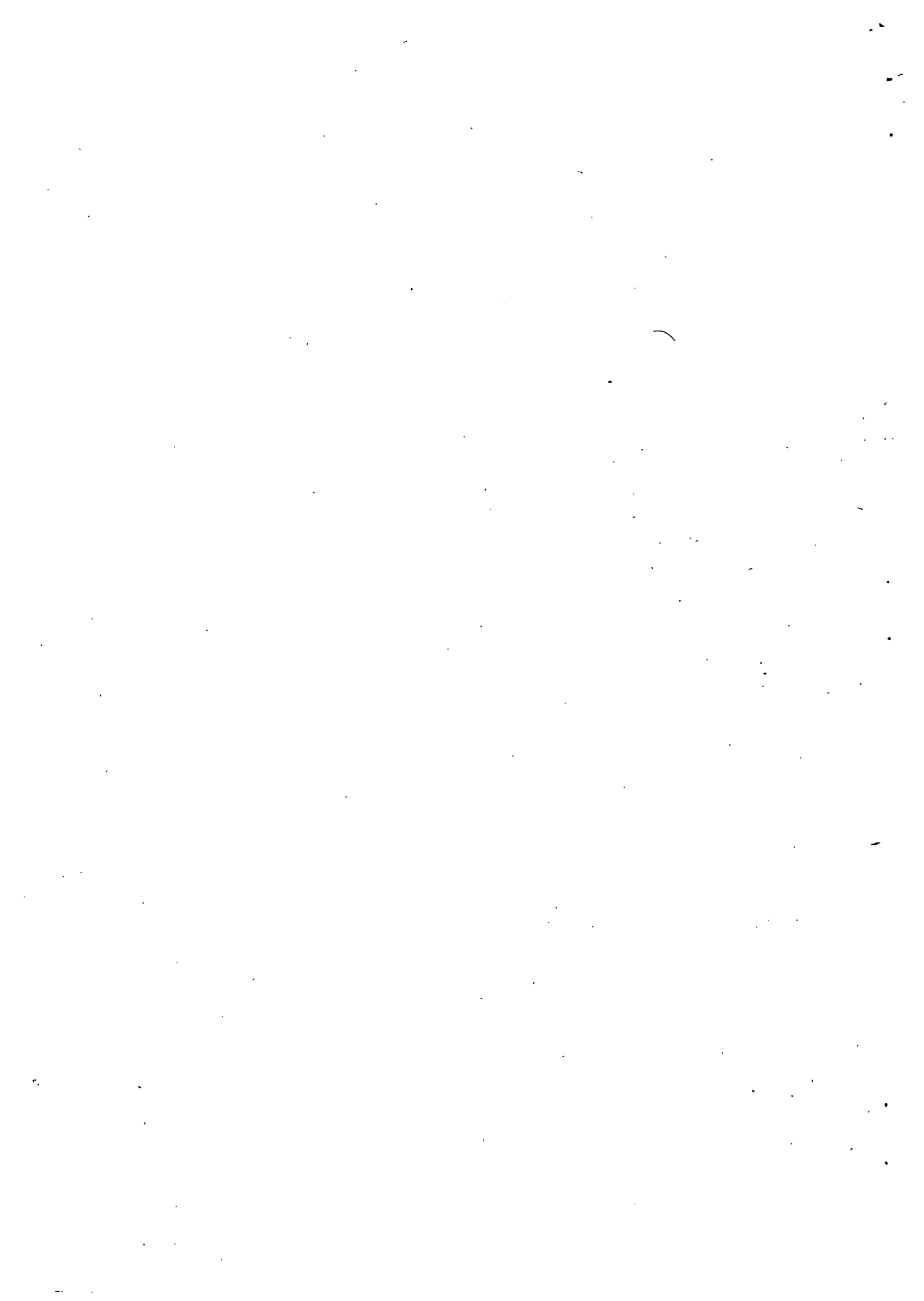
1701/36661

C 11

126

SPECIAL CONDITIONS

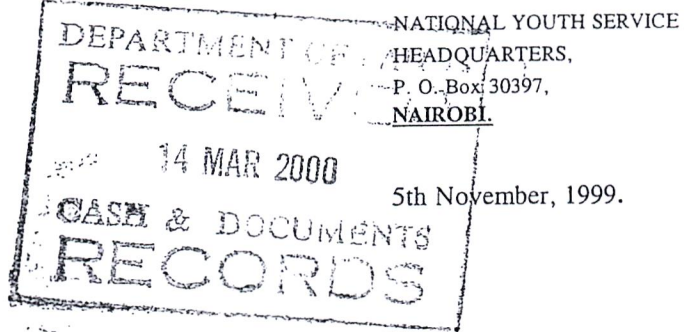
1. No further buildings shall be erected on the land nor shall additions or external alterations been made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner of Lands shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
 2. The Grantee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.
 3. The land and buildings shall only be used for National Youth Service Camps/Units and Sub Units.
 4. The buildings shall not cover more than fifty per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
 5. The Grantee shall not subdivide the land without the prior written consent of the Commissioner of Lands.
 6. The Grantee shall not sell, transfer sublet charge or part with the possession of the land or any part thereof without the prior written consent of the Commissioner of Lands.
 7. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever 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 Commissioner of Lands in lieu thereof.
 8. The Commissioner of Lands or such persons or authority as may be appointed for the purpose shall the right to enter upon the land and lay and have access to enter mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground. The Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
 9. The Commissioner of lands reserves the right to revise the annual ground rent payable hereunder an 31st December, 1998 and thereafter at the expiration of every ten years of the term.
- 173/36651(L)
- 8





Office of the President

Telegrams: "VIA NA", Nairobi
Telephone: Nairobi 802521/2/3/4/5/67
When replying please quote
Ref. No. NYS/CONF/ADM/19/(24)



and date

The Commissioner of Lands,
P. O. Box 30089,
NAIROBI.

Dear Sir,

LETTERS OF ALLOTMENTS FOR NYS CAMPS

Your letters of allotments Ref. Nos;209263/B, 215338 of 28th June, 9th July ,30th, 31st August and 22nd December, 1999 refers.

We accept the attached conditions and the charges prescribed and a cheque No.151084 of 7/3/2000 enclosed.

<u>UNIT/CAMP</u>	<u>REFERENCE NO.</u>	<u>AMOUNT KSHS.</u>
1. NYS Lambwe Development Camp	Lambwe West 'A' 287	3,624/=
2. NYS Training College, Gilgil ✓	209163/B	3,624/=
3. Public Purpose Gilgil ✓	209163/B	3,624/=
4. NYS primary School, Gilgil ✓	209163/B	6,074/=
5. NYS Training centre, Mombasa ✓	209163/B	3,624/=
6. NYS Church Site, Mombasa ✓	209163/B	6,074/=
7. NYS health Centre ✓	209163/B	6,074/=
8. Site for Mosque ✓	209163/B	6,074/=
9. NYS Social hall, Mombasa ✓	209163/B	6,074/=
10. NYS Nursery School, Mombasa ✓	209163/B	6,074/=
11. Existing Baptist Church Mombasa ✓	209163/B	6,074/=
12. Existing NYS Primary School Msa. ✓	209163/B	3,624/=

✓
177/8666/1-

46891

Entered
14/3/2000

① Mr. Kamua
Please attach all
the above files and
arrange for the payment
W. Sikonyo
Secy 13/3/2000

② Cashier
Accepts the above
cheque
W. Sikonyo
Secy (R)
13/03/2000

13. NYS Shopping Centre Mombasa	209163/B	3,624/=
14. NYS Secondary School Mombasa	209163/B	3,624/=
15. Existing NYS Sport Ground	209163/B	3,624/=
16. NYS Camp Hindi Lamu	215338/9	1,520/=
17. NYS Farming Unit - Witu	215358/15	3,672/=
18. NYS Marmar Sub Unit	L.R No.8036	1,520/=
19. Kirimun Field Unit	L.R No.8052(R)	1,520/=

Please make urgent arrangements to prepare the lease for Lambwe and the identfs for Kirimun/Marmar to facilitate the issuance of the Title Deeds as they are surveyed.

Yours faithfully



A. G. A. Too,
For: Director,
NATIONAL YOUTH SERVICE.

Encl.

176 / 3652 (L)

129
E 522453
TRIPPLICATE
151

SALE No. 71161

DEPARTMENT OF LANDS
FEE RECEIPT

Station W.P. 15751 26

		NATURE OF FEE	Sh.	cts.
Received from <u>W.P.</u>		Certificate of Title ..		
		Registration ..	25	=
		Search Certificate ..		
of <u>71161</u>		Opening New Register ..		
		Attestation ..		
		Inspection ..		
		Copying ..		
		Conveying/Preparation	135	=
Cash		Survey Fees		
By <u>the sum of</u>		Rent		
Cheque		Stand Premium ..		
Shillings <u>100</u>		Stamp Duty	20	=
		Land Adjudication Fees		
		Deposits	178	366
its <u>per marginal statement nature of transaction</u>				
Title Number				
for COMMISSIONER OF LANDS		TOTAL KSh.	1520	=

LAIKIPIA COUNTY COUNCIL

Tel: NANYUKI 22385/6

All correspondence to be
addressed to the Clerk of the Council



Ref: LCC/CONF/ADM/36/Vo1. II/56

136
PO. BOX 4
NANYUKI

6th September, 2000


The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

RE: KIRIMON NATIONAL RESERVE

We refer to Kenya Wildlife Service letter Ref. No. KWS/NR/31 of 8th August, 2000 and our numerous previous correspondence.

Kindly issue to us the letter of allotment for Kirimon National Reserve so that we can confidently initiate conservational projects within the Reserve.

OAF/mnn.


(OMAR A. FARAH)
CLERK TO COUNCIL

c.c.

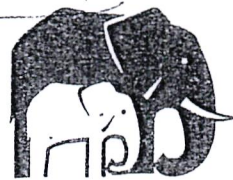
Permanent Secretary,
Minsitry of Local Authorities,
P.O. Box 30004,
NAIROBI.

The Director,
Kenya Wildlife Service,
P.O. Box 40241,
NAIROBI.

136

135

KENYA WILDLIFE SERVICE



P.O. BOX 40241 , NAIROBI, KENYA.
TELEPHONE: (254 2) 501081 /082,
602345,506671- 4
FACSIMILE: (254 2) 505866, 501752.
E-MAIL: kws@kws.org WEBSITE: www.kws.org

Ref : KWS/NR/31

8th August, 2000

The Commissioner of Lands
P.O.Box 30089
NAIROBI

Acl(A)
Request details
of gazette
from KWS &
copy to all other
stakeholders -
OK

~~OK~~
Acl(A)
lets us discuss
OK
9/8/2000

RE: KIRIMON NATIONAL RESERVE

16/8/2000

I am in receipt of a copy of a letter Ref.LCC/CONF/ADM/36/Vol.II dated 2nd August, 2000 addressed to you and copied to this office among others and I wish to inform you that your letter of allotment Ref.215338/8 dated 9th July, 1999 in respect of L.R. No.8036 was erroneously issued since it covers the gazetted Kirimon National Reserve.

You are therefore requested to cancel this erroneous allocation as soon as possible to ensure that Kirimon remains a conservation area.


J.M.Mburugu
For : **DIRECTOR**

131/366/1
StocRes
del me here file
215338 - any
correspondence or file
for Kirimon National
Reserve.
OK
M/S/2000

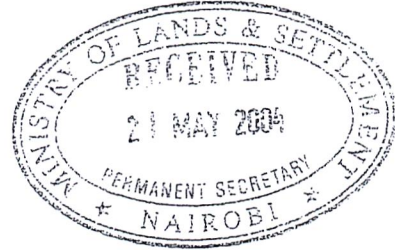
C.C. The Clerk to Council
Laikipia County Council
P.O.Box 4
NANYUKI - your above quoted letter refers.

The Permanent Secretary
Ministry of Lands
P.O.Box 30450
NAIROBI

The Permanent Secretary
Ministry of Local Authorities
P.O.Box 30004
NAIROBI

Commissioner of Lands Office
RECEIVED
8/8/00
NAIROBI

CONFIDENTIAL



174

OFFICE OF THE PRESIDENT
PERMANENT SECRETARY, SECRETARY TO THE CABINET
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "Rais"
Telephone: Nairobi 227411
When replying please quote

P.O. Box 62345-00200
NAIROBI

Ref. No. OP/CAB. 16/29A
and date

....., 20.....

14th May, 2004

Mr. Kiriinya Mukiira
Permanent Secretary
Ministry of Lands and Settlement
Ardhi House
NAIROBI

Mr. Zachary O. Ogongo, EBS
Permanent Secretary
Ministry of Local Government
NAIROBI

The Permanent Secretary
Vice-Presidents Office and
Ministry of Home Affairs
NAIROBI

Attn: Mr. W.K. Changole

Mr. Daniel Mule
Permanent Secretary
Ministry of Livestock & Development
NAIROBI

Mr. Japheth Mwanja
Director
National Youth Service
NAIROBI

col.
The Minutes are not clear as to who would allocate the Ministry of Livestock and Fisheries land for livestock holding grounds. If I recall well, the Laikipia County Council undertook the responsibility.

DM
PS
24/5

Mr. Gikonyo

What have you done pursuant to the earlier instructions?
D&G

(1/1/2004)

Ms. Judith Okungu
Commissioner of Lands
NAIROBI

Director
Kenya Wildlife Services
NAIROBI


Atten: Mr. Daniel Omwemba

RE: KIRIMUN RANCH

Following the meeting held on 14th April, 2004 to resolve the dispute regarding the Kirimun Ranch, please find forwarded herewith minutes of the meeting.

The concerned parties are requested to take appropriate action as per the resolutions arrived at during the meeting.

Yours



**AMB. FRANCIS K. MUTHAURA, MBS
PERMANENT SECRETARY, SECRETARY TO THE
CABINET AND HEAD OF THE PUBLIC SERVICE**

377/3664

(1/1/2004)

**MEETING ON LAIKIPIA NATIONAL GAME RESERVE (KIRIMUN) –
HARAMBEE HOUSE 2ND FLOOR BOARDROOM ON 14TH APRIL, 2004**

Present:

- | | | |
|---------------------------------|---|---|
| Amb. Francis K. Muthaura | - | Permanent Secretary, Secretary to the Cabinet and Head of the Public Service |
| Mr. Kiriinya Mukiira | - | Permanent Secretary, Ministry of Lands |
| Mr. Zachary O. Ogongo | - | Permanent Secretary, Ministry of Local Government |
| Mr. Sylvester M. Mwaliko | - | Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs |
| Mr. Daniel M. Mule | - | Permanent Secretary, Ministry of Livestock and Fisheries Development |
| Mrs. Judith Okungu | - | Commissioner of Lands |
| Mr. Japheth Mwanja | - | Director, National Youth Service |
| Mr. H.K. Gitu | - | Clerk, Laikipia County Council |
| Mr. Daniel Owemba | - | For Director, Kenya Wildlife Service |
| Mrs. Rosemarie Kigame | - | Cabinet office |
| Mr. Stephen K. Kirogo | - | Recording |

Min. 1/2004 Introductory Remarks

The Permanent Secretary, Secretary to the Cabinet and Head of the Public Service started by indicating that he had convened this meeting for the purpose of resolving a dispute between the Ministries of Local Government (Laikipia County Council) and Ministry of Home Affairs (National Youth Service) regarding ownership of Kirimun Ranch. For a

393/36561

background on the ranch the Chairman invited the Permanent Secretary, Ministry of Lands and Settlement, Mr. Kiriinya Mukira.

Min. 2/2004 Background of Dispute on Kirimun Ranch – Report by the Permanent Secretary, Ministry of Lands and Settlement

- Kirimun Ranch is in the North of Laikipia District and is within land parcel No. L.R. 8036 which measures 41,276 acres
- In 1956, the ranch was reserved to the Veterinary Department
- On 25th February, 1959 the ranch was formally reserved to the Ministry of Agriculture, Animal Husbandry and water resources for a holding ground.
- On 23rd April, 1982 after a series of consultations between the Ministry of Agriculture, Ministry of Regional Development and Office of the President, the ranch was transferred to National Youth Service.
- In 1984 when the Laikipia District Delegation paid a courtesy call on His Excellency the President at his Kabarak home on 16th July, 1984 the Laikipia County Council requested for the establishment of the Laikipia (Kirimun) National Reserve in order to control and conserve the Wildlife and also as source of revenue for the County Council. H.E. the President acceded to their request and a copy of the Provincial Commissioner's letter ref. No. SR G:A 22/2/Vol. III/81 of 12th August 1985 conveying the Presidential accent is enclosed.
- The Ranch was gazetted on 16th October, 1991 vide Kenya Gazette Notice No. 526 and a copy is attached as a National Wildlife Reserve.
- On 9th July, 1999 this office inadvertently allocated the same ranch to the National Youth Service (copy enclosed) but the title has not been issued.
- Adjacent to this ranch, the National Youth Service has another ranch known as Marmar Ranch in Samburu District which is L.R. No. 8052/R with an average of 51,974 acres and is already documented in their favour.

307, 8070

171

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9
LAIKIPIA COUNTY COUNCIL
P.O. BOX 4
NANYUKI

REGISTERED

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI
24th May 2004

Ref. No. 36661/143

SIR(S)/MADAM, LR NO. 8036 - LAIKIPIA GAME RESERVE (KIRIMUN)

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 16,738.16 (41360 Acres) hectares (approximately).
TERM: 99 years from the 1.6.04
STAND PREMIUM: Sh. NIL
ANNUAL RENT: Sh. peppercorn
Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	-
Rent from to	-
Conveyancing Fees	1250/-
Registration Fees	250/-
Rates
Stamp Duty	100/-
Survey Fees
Road and Road Drains
Others Approval	2000/-
Receipt No. Less Deposit
TOTAL	Sh. 3600/-

[P.T.O.]

*Delete as appropriate.

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

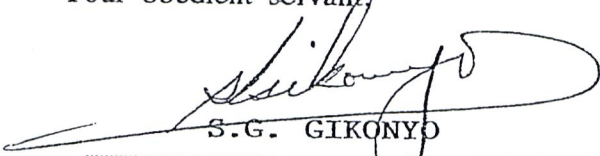
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant

Authority: GOVT.
FOLIO 36661/140


S.G. GIKONYO
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of

The District Commissioner. LAIKIPIA

The Director of Physical Planning, Nairobi.

District Land Officer. NANYUKI

O/C Land Rents.

Rates Assistant.

The Accountant.

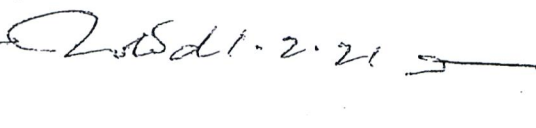
O/C Records.

Senior Plan Record Officer.

Plot File.

The Director
National Youth Service
P.O. Box 30397
NAIROBI

All to note.



This letter supercedes L/A Ref. 215338/8 of 9th July, 1999.

GPK (L)

36661/140

SPECIAL CONDITIONS

1. No further buildings shall be erected until plans (including Block Plans) showing the position of the buildings and a system of drainage for disposing of sewage, surface and sullage water on land, draining elevations and specifications thereof shall have been approved in writing by the Local Authority and the Commissioner of Lands.

2. ~~The land and buildings shall be used for the purposes of~~ Game Reserve with ancillary offices and stores.

3. The grantee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

4. The buildings shall not cover more than of the land or such lesser area as may be laid down by the Local Authority in its by-laws.

5. The grantee shall not subdivide the land without prior written consent of the Commissioner of Lands.

6. The grantee shall not sell, transfer, sublet, charge or part with the possession of the land or any part thereof.

7. The grantee shall pay such rates, taxes, charges, duties, assessments or outgoing of whatever 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 Commissioner of Lands in lieu thereof.

8. The Commissioner of Lands or such persons 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 and drains, telephone and telegraph wires and electric mains of all descriptions whether overhead or underground. ~~The grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.~~

9. If the land or any part thereof should cease to be used for ..
the land or any part thereof shall be deemed to have automatically reverted to the Government of Kenya without the necessity of any formal surrender thereof, and the term hereby created shall de-facto determine in respect of the land or the part as the case may be.

10. Notwithstanding anything to the contrary contained herein or implied by the said Government Land Act (Cap.280) the grantee shall on receipt of six months' notice in writing in that behalf surrender all or any part of the land required for public purposes without any payment or any compensation save in respect of such approved buildings as may have to be evacuated or demolished. No compensation shall be payable in respect of severance of the land by reason of such surrender.

11. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder or 31st December, 1999 and thereafter at the expiration of every ten years of the term.

38/13/14

LAIKIPIA COUNTY COUNCIL

145

Tel: NANYUKI 22385/6

All correspondence to be addressed to the Clerk of the Council

Ref: CONF./ADM/36/Vol. III/GHK



172

P.O. BOX 4
NANYUKI

22nd June, 2004

The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

RE: ACCEPTANCE OF ALLOCATION L.R. NO. 8036 -
LAIKIPIA GAME RESERVE (KIRIMUN)

Your letter of allotment Ref. No. 3661/143 of 24th May, 2004 refers.

I write to inform you that the Laikipia County Council has accepted the allocation of the above parcel of land and all the attached conditions.

Enclosed herewith find bankers cheque No. 001977 of Kshs. 3,600/= being payment of the charges as prescribed in the letter of allotment.

(GITU H. K.)
CLERK TO COUNCIL

c.c.

The District Commissioner,
Laikipia District,
P.O. Box 11,
NANYUKI.

The District Land Officer,
LAIKIPIA.

The Director,
National Youth Service,
P.O. Box 30397,
NAIROBI.

595/3661

Cashier
accept etc. the
cheque as at 143
Nanyuki

S/O (institutional)

23.6.04

Encl.

0979 ✓
entered
25.6.04
cleared
on
28/6/04

SALE NO. 36661 (HR, 001977)

(116)

TRIPLICATE

DEPARTMENT OF LANDS

F 827364

(173)

FEE RECEIPT

Station N/B1

25/08/2004

		NATURE OF FEE	Sh.	cts.
Received from	<u>Clerk to Com</u>	Certificate of Title		
	<u>Laitipia County</u>	Registration		
of	<u>Commit</u>	Search Certificate		
	<u>P.O. Box 4</u>	Opening New Register		
		Alteration		
		Inspection		
		Copying		
			<u>-250-</u>	
	<u>NANYUKI</u>	Conveying/Preparation..		
			<u>1250</u>	
By	Cash	Survey Fees		
	the sum of	Rent		
	Cheque			
Shillings	<u>Three thousand</u>	Stand Premium		
	<u>and Hundred only</u>			
		Stamp Duty		
			<u>100-</u>	
		Land Adjudication Fees		
		Approval Deposits		
	<u>L/O.</u>		<u>2000-</u>	
Title Number	<u>L.P. No. 8036</u>			
	<u>Laitipia Game Reserve</u>			
	<u>(Kirimin)</u>			
	<u>[Signature]</u>			
for COMMISSIONER OF LANDS		TOTAL KSh.	<u>2100-</u>	

391/366

REG. RULER'S COURT
DEPARTMENT OF LANDS
(MUNICIPALITY)
TREASURY'S WARE,
P.O. BOX 57,
MOMBASA.

Date: 15th October 1967

Ref. No. A.C.No. 570/66

To:
Estates of Hassan Bin Nassir,
" " Mohamed Bin Nassir &
" " Ahmed Bin Nassir,
c/o Saggaf Bin Alawi, P.O. SHIMONI.

DEMARICATION NOTICE.

You or your authorised representative are hereby
required to demarcate the boundaries of the land to which
you lay claim in the Puna/Massini
area of Kwale District, under Application No. V/590/66
and to report on completion to my office at Puna/Ridima

during the period from 21st November, 1967 to 2nd
November, 1967 whereupon a time will be arranged for
inspection of the boundaries and of the land which you
claim.

Alloppo
RECORDER OF TITLES.

North: *Sagala*
Bahan
South: *Shabaha*
ya bin. Funa na
Haji Ahmed
na hadid bin
Kasim
na was

J U D G M E N T.

Prov. Plot No. 733 has been demarcated in relation to claim No. V/590/35 which was originally lodged in the names of Hassan, Mohamed & Ahmed, sons of Nassir Alwi of Wassin. The plot is claimed by the children of Hassan, Nassir and Mohamed Nassir through inheritance. The claim is strongly objected by the people of Mkwiro who have been represented by Doga Ali, Mbaruku Pandu and Mshali Abdalla. The objectors rely on no formal claim lodged under the provisions of the Land Titles Act. Their contention is that the whole area between the villages of Wassin and Mkwiro belonged to them as Makifundi, also known as Shirazi people. By Shirazi they mean the Persian Arabs who came to the East Coast of Africa and built some mosques before the arrival of the Europeans. On the other hand, Nassir Mohamed and other Wassin People claim that the Puma area was cultivated by the people of Wassin and that Nassir Bin Alwi was the first person to cultivate in the area which his grand-children now claim.

The first demarcation of the Plot was done by Saggaf Alawi assisted by Kassim Suleman who had already cleared and pointed out western, southern and northern boundaries, on 15th March, 1968. They failed to point out the eastern boundary on the ground. The latter boundary was eventually cleared and pointed out by Nassir Mohamed on 18/4/69. All the four boundaries were confirmed by the said Nassir Mohamed before the actual hearing of the Cause at the Government School at Mkwiro, Wassin Island on 20th May, 1969.

Due to the fact that there are no former developments or recognisable marks indicating the exact boundaries of the piece of land involved on the ground, it is impossible for any of the parties in dispute to point the actual boundary precisely. While the formal claim quotes the Eastern bound

as the village of Mkwiro, the present claimants have, on their own accord, decided to put back eastern boundary considerably (by nearly half the whole plot), possibly with a view to avoiding unnecessary disputes and quarrels.

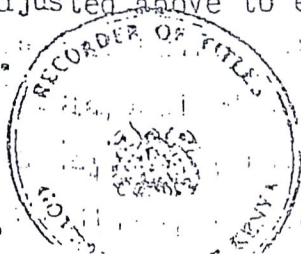
After careful investigation on the ground, the Court is left with no doubt that Claim V/590/26 relates to the area pointed out by the Claimants. What is not yet clear to the Court is whether or not the whole area described in the claim was in fact the property of the original claimants. The three witnesses produced by Nassir Mohamed have testified to the latter effect. The case of the objectors is based on mere generalisation and historical monuments of the pre-European Era which cannot now be checked. At any rate, no Mosque ruins exist in the actual plot demarcated and claimed by the heirs of the original claimants. The Court is therefore inclined to accept the evidence adduced by the three witnesses of Nassir Mohamed which is based on more recent times relevant to the introduction of the former Land Titles Ordinance, 1908. The Court has no reason to disbelieve these three witnesses.

I must therefore find for the children of the original claimants and overrule the objections of the people of Mkwiro.

However in order to prevent unnecessary quarrels and possible physical show of strength, this Court decides to alter slightly the ^{eastern} ~~southern~~ boundary so as to avoid the already cleared shamba of Makame Mwinyihaji through which the pointed out boundary has passed.

Claim No. V/590/26 is accordingly allowed in favour of the Estates of (1) Hassan Nassir (2) Mohamed Nassir and (3) Ahmed Nassir in respect of Prov. Plot No. 735 as slightly adjusted above to exclude the shamba of Makame Mwinyihaji.

22/5/69.



[Signature]
RECORDER OF TITLES.

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL SUIT NO. 727 OF 1981

A. SAGAAF ALMY on his own behalf
and on behalf of the other heirs of

- 1. HASSAN NASSIR
- 2. MOHAMED NASSIR
- 3. AHMED NASSIR

PLAINTIFFS

- Versus -

- 1. THE HON. THE ATTORNEY GENERAL
- 2. MOHAMED MASOUD
- 3. HAMADI KHALIFAH

DEFENDANTS

J U D G M E N T

The plaintiff herein A. Saggaf Almy brought this suit against the defendants on his own behalf and on behalf of the other heirs of the late Hassan Nassir, Mohamed Nassir and Ahmed Nassir for orders that Plot No. W.33 Masini Island is owned by the Estates of the above named deceased persons and that the purported adjudication thereof by the Land Adjudication Officer, Kwale District is null and void.

It was further prayed that the judgment of the Recorder of Titles Court in respect of the said parcel of land be given effect and the appropriate title or titles be issued under the provisions of the Land Titles Act.

.....

It is necessary to set out hereinbelow the body of the plaint that sets out the plaintiff's cause of action. This runs from paragraph 4 of the plaint and reads as follows:-

"4. By virtue of a Judgment of the Recorder of Titles duly appointed under the provisions of the Land Titles Act (Cap.282) dated 22nd May, 1969 made in claim number V.590/26 the Estates of the said Hassan Nassir, Mohamed Nassir and Ahmed Nassir were adjudged the owners of Provincial Plot No. W.33 at Masini Island more particularly delineated on the Recorder's Working Air-Photograph No.77.

5. In or about the year 1979, the Land Adjudication Officer, KwaZe District appointed under the provisions of the Land Adjudication Act (Cap.284), purported to adjudicate the land referred to in the said judgment of the Recorder of Title and awarded various parcels thereof to sundry persons, none of whom were or are the heirs of Hassan Nassir, Mohamed Nassir or Ahmed Nassir entitled to their Estates as adjudged and declared by the Recorder of Titles to be the owners of the said land.

6. The 2nd and 3rd Defendants are two of the persons who claim title to two of the parcels of the said land purported to have been adjudicated upon as recited in paragraph 5 hereof.

7. The purported adjudication made as aforesaid by the said Land Adjudication Officer was null and void

in that the claim in respect thereof made under the Land Titles Act had already been heard and determined by a competent court appointed under that Act and therefore became vested in the three Estates above referred to."

According to the Statement of Defence filed on behalf of the Attorney General who is named as the first defendant, the plaintiffs caused of action is denied and termed incompetent and misconceived in as much as the same was brought contrary to the provisions of Section 30 of the Land Adjudication Act Cap 284 Laws of Kenya.

On the other hand the 2nd and 3rd Defendants denied that the plaintiff had the locus standi to bring the action and further denied each and every allegation contained in the plaint.

The plaintiff gave evidence in support of his pleadings. He is the son of the late Hassan Nassir. The late Mohamed Nassir and Ahmed Nassir were his uncles. The deceased were the owners of the land in dispute. He knows the 2nd and 3rd Defendants who are people from Wasini Island but have no proprietary relationship with him (the plaintiff). The children of his late uncles have authorised him to represent them in this suit.

The plaintiff produced a map in relation to the said piece of land. He testified in relation to a case before the Recorder of Titles between all parties concerned which included the 2nd Defendant as one of the complainants. The matter was heard and determined by the Recorder of Titles on 22nd May, 1969. He produced as exhibit 2 the proceedings and judgment of the Recorder of Titles which bears the claim No. V/590/26.

According to the said judgment the land belongs to the deceased persons. To the best of the plaintiff's knowledge there was no appeal against the said judgment.

It is in his evidence that Land Adjudication exercise started in Wasini Island in or about 1972. In 1979 their land was adjudicated and subdivided by the land adjudication officer who also allocated himself a piece thereof.

The plaintiff then produced correspondence exchanged between himself, his lawyers, Officers of the Ministry of Lands and the Office of the Attorney General's Chambers. I shall refer to some specific correspondence hereinbelow. The plaintiff finally produced a general Power of Attorney dated 20th January, 1969 doated to him by several parties named at the reverse thereof to act on their behalf in all matters in East Africa.

* None of the defendants gave evidence in support of their statements of defence. I would note here that the 2nd and 3rd Defendants were present in court throughout the hearing.

The judgment of the Recorder of Titles is clear and unequivocal. It concludes by stating:

"Claim No. V/590/26 is accordingly allowed in favour of the Estates of (1) Hassan Nassir (2) Mohamed Nassir and (3) Ahmed Nassir in respect of Prov. Plot W.33 as slightly adjusted above to exclude the shamba of Makame Mwinjihaji."

The parties were notified of the right of appeal within 30 days. That right has not been exercised by any aggrieved party and therefore the judgment of the Recorder of Titles stands conclusive as to the rights of the parties in relation to the land in dispute. Section 7 of the Land Titles Act Cap. 282 Laws of Kenya confirms this position.

By a letter dated 11th February, 1980 produced by the plaintiff as exhibit 4 the then Recorder of Titles, Mombasa, wrote to the Land Adjudication Officer, Kwale District in the following terms:-

"I wish to draw your attention to Section 7(1) of the Land Titles Act, which clearly states that once judgment has been given by the Recorder of Titles it is final and conclusive but only subject to a court of law

..... and even though a certificate of title may not have been issued the Land Adjudication Committee should not interfere with the claim."

The foregoing sentiments were expressed by the Chief Land Registrar by a letter dated 13th March, 1980 produced in evidence as exhibit 5 and addressed to the Beneficiaries of Masini/Shimoni communal reserve.

The Land Adjudication Officer Kwale totally ignored the advice given by his seniors and went ahead to subdivide the land and allocate the portions to third parties including himself and other Government Officials.

On 20th September, 1991 the then Advocates for the plaintiff wrote to the Hon. Attorney General pointing out all those discrepancies.

In reply the Attorney General replied as follows:-

"Please note that the Permanent Secretary Ministry of Lands and Settlement has instructed the Hon. the Attorney General to concede liability in this case that all the persons in the attached list recorded as the owners of the various parcels of land are recorded erroneously and the court should after notice to these people, correct the Register

to reflect that the plaintiffs are the owners of the land". This is exhibit 7 "A".

The attorney General was referring to a letter addressed to his office by the Permanent Secretary Ministry of Lands and Housing dated 3rd December, 1993 which was produced in evidence as exhibit 8. In the said letter it was clearly stated that the adjudication by the District Land Adjudication Officer, Kwale was erroneous. The plaintiffs herein were also recognised as the rightful heirs of the Estates of the deceased named therein. The letter specifically stated:

"The act of the adjudication officer (1978) was therefore in contradiction with the Land Titles Act. The Ministry has therefore reached a decision of admitting liability and wish to instruct you to file in the High Court for the cancellation of the erroneous exercise and the resulting titles be declared as nullified by the High Court with a view to restore parcel No. H.33 Wasini Island to the plaintiffs.

It has been reliably confirmed that non of the 111 allocated parcels has been settled by the new allottees as a result of the ongoing caution registered by the plaintiffs."

Coming from the ministry in charge of all matters related to land in the country, that is the best evidence in favour of the plaintiffs. Some technical objections were raised in the cause of the proceedings but the overwhelming evidence now before the court leaves no alternative but to recognise and confer upon the plaintiffs their rights over this land.

As I observed earlier, none of the defendants offered to give any evidence. In any case the case of the 2nd and the 3rd defendants depended on the outcome of the plaintiffs case against the first defendant. The first defendant has conceded liability in no uncertain terms and in writing no other defence remains.

In the end I find that the plaintiff has proved the case against the defendants jointly and severally. The orders as prayed in the plaint are hereby granted.

It has not come to light how the 2nd and 3rd defendant became registered in their respective parcels. It is however clear that an officer of the ministry of Lands who is represented by the first defendant acted in defiance of the law. The costs must therefore be paid by the first defendant.

It is further ordered that the order hereon shall be extracted and served upon all parties directly affected thereby, either personally or by registered post using their last known postal address and 21 days after such service, the Register shall be corrected accordingly.

It is so ordered.


A. Mbohohi Nsagha
JUDGE

MOMBASA.

21st July, 1995.

CIVIL PROCEDURE
SECTION 101
ARTICLE 101

That said party on his own behalf and on behalf of the other party of

- 1. ...
- 2. ...
- 3. ...

-2-

- 1. ...
- 2. ...
- 3. ...

ORDER
(Application for Section 101, Section 101 of the Civil Procedure Act, under Article 101 of the Civil Procedure Act)
(where appropriate institution, etc.)

THE APPLICANT having been cited by the Justice of the Peace in the presence of DANIEL A. BACIKI, Advocate for the Plaintiff and S.P. BACIKI, Advocate for the Defendant and in the absence of M. BACIKI, Principal State Counsel for the Defendant duly served and upon hearing, and ORDER:-

That the judgment and subsequent orders issued in this case on last July, 1964 are hereby corrected as follows:-

- (a) That all the parcel of land for every group as Plot A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, is herein stated is owned by the Estates of the late James BACIKI, deceased, and his heirs.
- (b) That the purported application for/ or subdivision of the subsequent creation of plots, if any, of the foregoing land is hereby declared void.
- (c) That judgment of the Recorder of Titles dated 11th May, 1964 is hereby given effect to and consequently the Registrar of Titles, Lusaka shall after 21 days after service of this order correct the register and issue the appropriate title deed to reflect the Estates of BACIKI, deceased, and his heirs as the legal and rightful proprietors of the aforesaid parcel of land.
- (d) That this order be served upon all parties who are directly affected hereby either personally or by registered post to be their last and final order.

STATE OF KENYA
.....

STATE OF KENYA

[Handwritten Signature]
.....
.....
.....

STATE OF KENYA
.....

I CERTIFY THAT THIS IS A TRUE
COPY OF THE ORIGINAL
.....
27 OCT 1991
DEPUTY REGISTRAR
ENVIRONMENT AND LAND COURT
MOMBASA

Dear sir/Madam,

RE: CANCELLATION OF TITLES-WASINI ISLAND ADJUDICATION SECTION

Kindly note that are the registered proprietors of the below plots against your names in Wasini island Adjudication Section. This is to inform you that the below titles were canceled vide court Order Civil Suit No. 727 of 1981 issued on the 15th day of January, 1997.

S/NO	PLOT NO.	CURRENT OWNER(S)	AREA (HA)	STATUS
1.	44	Apollo Insurance Company Limited	2.4	Cancelled vide court order civil suit no. 727 of 1981
2.	167	Apollo Insurance Company Limited	3.2	Cancelled vide court order civil suit no. 727 of 1981
3.	45	Apollo Insurance Company Limited	2.6	Cancelled vide court order civil suit no. 727 of 1981
4.	46	Mshamanga Ali Abdalla	1.9	Cancelled vide court order civil suit no. 727 of 1981
5.	48	Mbaruku Shee Ali	1.9	Cancelled vide court order civil suit no. 727 of 1981
6.	31	Khamisi Mshali, Mshamanga Mshali Abdalla, and Fadhili Ali Abdalla	1.7	Cancelled vide court order civil suit no. 727 of 1981
7.	69	Mohamed Shee, Fumo Shee and Mazudi Shee	1.4	Cancelled vide court order civil suit no. 727 of 1981
8.	70	Ahmedi Shee, Abdalla Shee, Musini Shee, and Said Shee	5.2	Cancelled vide court order civil suit no. 727 of 1981
9.	72	Juma Mohamed	1.4	Cancelled vide court order civil suit no. 727 of 1981
10.	73	Mohamed Abdalla	2.2	Cancelled vide court order civil suit no. 727 of 1981
11.	123	Wasini Development Company Limited	1.3	Cancelled vide court order civil suit no. 727 of 1981
12.	124	Kingi Mwakitete Mwechambi	1.4	Cancelled vide court order civil suit no. 727 of 1981
13.	125	Mchambi Kopa Mchambi	0.6	Cancelled vide court order civil suit no. 727 of 1981
14.	126	Mdudu Kopa	1.0	Cancelled vide court order civil suit no. 727 of 1981
15.	127	Mchambi Hamisi Juma	1.2	Cancelled vide court order civil suit no. 727 of 1981
16.	128	Salimu Rashid Muhemba	1.0	Cancelled vide court order civil suit no. 727 of 1981
17.	129	Ali Abdalla Mohamed	1.0	Cancelled vide court order civil suit no. 727 of 1981

18.	145	Juma Omari Abdalla and Mshali Hamisi Mshali	2.2	Cancelled vide court order civil suit no. 727 of 1981
19.	147	Blue Lagoon Island Enterprises limited	0.9	Cancelled vide court order civil suit no. 727 of 1981
20.	354	Blue Lagoon Island Enterprises limited	1.0	Cancelled vide court order civil suit no. 727 of 1981
21.	144	Hamisi Mshali Abdalla	1.9	Cancelled vide court order civil suit no. 727 of 1981
22.	159	Hamed Juma Hamed and Issac Kolwa	7.2	Cancelled vide court order civil suit no. 727 of 1981
23.	161	Mwanamuiawa Kopa Mchambi	0.9	Cancelled vide court order civil suit no. 727 of 1981
24.	163	Abdalla Mohamed	0.20	Cancelled vide court order civil suit no. 727 of 1981
25.	130	Danson Kimani Gacina and Cyrus Kariuki Waithaka	4.6	Cancelled vide court order civil suit no. 727 of 1981
26.	131	Mukesh Natwallal Metha and Jagdish Chandulal Udani	3.6	Cancelled vide court order civil suit no. 727 of 1981
27.	132			
28.	162	Khamisi Akida	0.6	Cancelled vide court order civil suit no. 727 of 1981
29.	343	Kipngeno Arap Ngeny	1.4	Cancelled vide court order civil suit no. 727 of 1981
30.	435	Peter Ngethe Mbugua	0.4	Cancelled vide court order civil suit no. 727 of 1981
31.	201	Naginbhai Khodabhai Patei	1.4	Cancelled vide court order civil suit no. 727 of 1981
32.	204	Amon Kimosop Kandie	1.1	Cancelled vide court order civil suit no. 727 of 1981
33.	205	Geoffrey Gakure Kabaki	1.0	Cancelled vide court order civil suit no. 727 of 1981
34.	310	Zaliha Mohamed Abubakari	0.43	Cancelled vide court order civil suit no. 727 of 1981
35.	312	Swaleh Ali Salim	1.6	Cancelled vide court order civil suit no. 727 of 1981
36.	311	Ali Mohamed and Hadija Abdalla Masudi	2.2	Cancelled vide court order civil suit no. 727 of 1981
37.	313	Ali Mohamed	0.33	Cancelled vide court order civil suit no. 727 of 1981
38.	314	Ali Mohamed and Mchambi Kopa	0.41	Cancelled vide court order civil suit no. 727 of 1981
39.	315	Samuel Nthanze Musyoki	1.1	Cancelled vide court order civil suit no. 727 of 1981

40.	316	Yusufuali Gulamhusein Datto	1.1	Cancelled vide court order civil suit no. 727 of 1981
41.	317	Abdalla Kitwana Kombo	2.4	Cancelled vide court order civil suit no. 727 of 1981
42.	318	Shah Shashikant Mepa	4.2	Cancelled vide court order civil suit no. 727 of 1981
43.	321	Bilal Abdalla Jikomba	6.0	Cancelled vide court order civil suit no. 727 of 1981
44.	322	Simon Waiharo Chege	0.42	Cancelled vide court order civil suit no. 727 of 1981
45.	323	Mohamed Abubakari	0.5	Cancelled vide court order civil suit no. 727 of 1981
46.	324	Mohamed Abdalla	0.47	Cancelled vide court order civil suit no. 727 of 1981
47.	166	Paul Kipkorir Boit	1.1	Cancelled vide court order civil suit no. 727 of 1981
48.	302	Mohamed Mascud and Ahamed Halifani Mhemba	1.7	Cancelled vide court order civil suit no. 727 of 1981
49.	326	Ahamed Kalifani Mhemba	3.6	Cancelled vide court order civil suit no. 727 of 1981
50.	303	Kassim Abdalla Juma	0.9	Cancelled vide court order civil suit no. 727 of 1981
51.	304	Mchambi Kopa Mchambi	1.9	Cancelled vide court order civil suit no. 727 of 1981
52.	305	Shariff Omar Mohamed	1.9	Cancelled vide court order civil suit no. 727 of 1981
53.	306	Abdalla Mohamed and Juma Mohamed	0.39	Cancelled vide court order civil suit no. 727 of 1981
54.	307	Mohamed Abdalla	0.41	Cancelled vide court order civil suit no. 727 of 1981
55.	308	Hamisi Akida	0.26	Cancelled vide court order civil suit no. 727 of 1981
56.	309	Shee Abubakari Mihasho	0.9	Cancelled vide court order civil suit no. 727 of 1981
57.	338	Kassim Abdalla Juma	0.34	Cancelled vide court order civil suit no. 727 of 1981
58.	342	Stephen Kiptum Ngelech	0.38	Cancelled vide court order civil suit no. 727 of 1981
59.	319	Pius Alois Okelo and Elizabeth Mary Okelo	1.0	Cancelled vide court order civil suit no. 727 of 1981
60.	330	Ibrahim Mathias Mlamba	0.8	Cancelled vide court order civil suit no. 727 of 1981

61.	331	Milka Jebowen Chemirmir	1.1	Cancelled vide court order civil suit no 727 of 1981
62.	346	Mary Mumbi Njenga	0.9	Cancelled vide court order civil suit no 727 of 1981
63.	355	Maymuna Larsen	0.9	Cancelled vide court order civil suit no 727 of 1981
64.	351	Gharib Abdulla Mohamed	0.28	Cancelled vide court order civil suit no 727 of 1981
65.	357	Abdalla Mohamed	0.7	Cancelled vide court order civil suit no 727 of 1981
66.	358	Remabhai Alikhan Rahimkhan	0.12	Cancelled vide court order civil suit no 727 of 1981
67.	327	Kipngeno Arap Ngeny	1.0	Cancelled vide court order civil suit no 727 of 1981
68.	411	Remabhai Alikhan Rahimkhan	0.04	Cancelled vide court order civil suit no 727 of 1981


 D.H. MWARUKA
 LAND REGISTRAR
 KWALE

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL SUIT NO. 727 OF 1981

A. SAGGAF ALAWY & OTHERS PLAINTIFFS

-VERSUS-

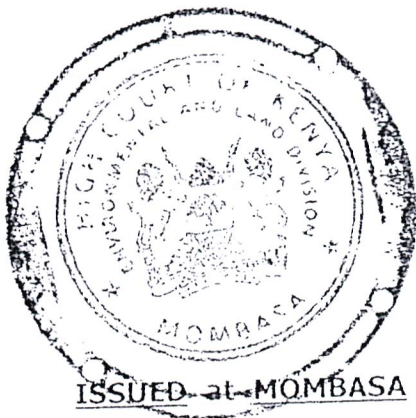
THE HON. ATTORNEY GENERAL & OTHERS DEFENDANTS

ORDER

(Before Hon. Lady Justice L. Achode on 30/7/1999)

UPON an application by Mr. Obura Advocate, in view of the above application, by this order the O.C.P.D, Msambweni police IS HEREBY ORDERED to provide security to facilitate the execution in satisfaction of the decree.

DATED at MOMBASA this 30th day of July, 1999.

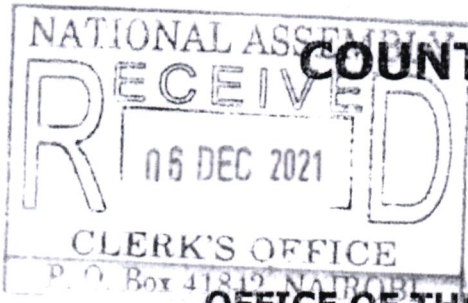


I CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL
Deputy Registrar 21 OCT 2021
Environment & Land Court
MOMBASA DEPUTY REGISTRAR
ENVIRONMENT AND LAND COURT
MOMBASA

ISSUED at MOMBASA this day of 2019

PENAL NOTICE: "If any party served with this order disobeys the same, he/she shall be in contempt of court and liable to imprisonment if convicted."

Handwritten notes:
21/10/2021
21/10/2021



COUNTY GOVERNMENT OF KILIFI



OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR LANDS, ENERGY, HOUSING, PHYSICAL, PLANNING & URBAN DEVELOPMENT

Dept. Email: lands@kilifi.go.ke

When Replying please quote:

Your Ref:

P.O BOX 519
KILIFI, KENYA

Our Ref: CG/KLF/LND/HSG/ADJUD/III/55

DATE: 2nd December, 2021.

Clerk
National Assembly
Parliament Buildings
Nairobi.

DDC
6/12/21

**RE: CONSIDERATION OF PUBLIC PETITION NO. 004 OF 2021 BY RESIDENTS OF
MAGARINI CONSTITUENCY REGARDING IRREGULAR EXTENSION OF
GALANA RANCH BOUNDARY**

Your letter Ref. NA/DDC/LANDS/2021/169 dated 24th November, 2021 refers.

Kindly, this is to hereby submit our position in the same for your kind consideration.

Introduction

The County Government of Kilifi has over the years been pursuing a land tenure programme to secure security of land tenure to its citizens. Several Adjudication Sections and Settlement Schemes have been facilitated throughout the County, with many already registered with titles.

In 2015, under Section 5 of the Land Adjudication Act Cap 284 Laws of Kenya, the Land Adjudication Officer Malindi/Magarini area declared Adu/Kamale/Chamari as an adjudication section

The County Government then facilitated the demarcation, survey and adjudication of the declared sections, culminating to a total of 13,500 plots in April 2021, in an area of approximately 620,764 acres.

However, vide a letter Ref. MD/40/2/C/BM dated 9th April, 2021 addressed to the Cabinet Secretary, Ministry of Lands and Physical Planning and seven (7) others by the

1 1 0 1 1 5

Agricultural Development Corporation, intimated that it is the registered owner of Galana Block 1/1 with Title Deed. The Agricultural Development Corporation complained among others invasion of their land (Galana block 1/1) through the adjudication process without their consent.

Public Inquiry

Arising from this Agricultural Development Corporation position, a counter argument by the community was raised on the known boundary of the Agricultural Development Corporation Galana Ranch.

The County Government undertook on a public inquiry on the land matter with residents of Magarini within the land in question.

It was observed that the land historically and indigenously was settled on by the Waata and Giriama communities before colonization and that the original boundary points are much known to the communities.

The original boundary separating the Galana Ranch and land by the community cut from a point at Kisiki through Tanke, Kore and Didimabul, with the upper western part of the boundary points being allocated to Galana Ranching with the lower eastern part being reserved for the community use.

Survey

A survey was carried out by the National Survey office in Malindi headed by the Sub-County Surveyor, Mr. Lee Dzoro (whose report is hereby attached) which revealed that the Galana Ranch (block 1/1) with average of 623,000 Ha falls within two Counties – Kilifi and Tana River Counties. It was further noted that the cutline falls within Kilifi County at the starting point of the river Galana (near Kisiki Beacon) but crosses to Tana River County as it extends Northwards upto Didima Bule beacon. This is the known boundary between the Agricultural Development Corporation and the community.

The area claimed by Agricultural Development Corporation as part of Galana block 1/1 within Kilifi County covers approximately 237,643.05 ha. This is the contested area.

Adjudication

The contested area covering 237,643.05 Ha. which has since been demarcated and surveyed has a total of 22 villages with a total of 2554 plots demarcated and surveyed.

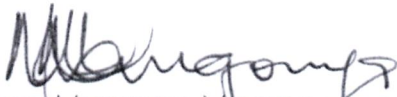
The villages affected are:- Gabo, Mbuuni, Changoto, Kadongole, Mchekenzi, Madharba, Kamale, Dera, Mabrouk, Dhambela, Chanjalo, Jafiri, Mukale, Walesa, Kulesa, Jatropha, Bathe, Chanjalo, Ziwani, Kilulu, Mbuni 'B' and Langapande.

Developments

Further several public utilities are domiciled in this contested area which includes several ECD centres, primary schools, secondary schools, Health centres, several trading centres, several pineapple firms, churches, mosques, among others.

County Position

From the foregoing, the County Government of Kilifi strongly recommends registration of the land in question to the community to achieve security of their land tenure.



Hon. Maureen Mwangoyya
County Executive Committee Member
**Lands, Energy, Housing, Physical Planning
& Urban Development.**

c.c. His Excellency The Governor
County Government of Kilifi.

County Attorney
County Government of Kilifi.

JKN/scm



MINISTRY OF LANDS AND PHYSICAL PLANNING

Email: dsmalindi@jambo.co.ke

Telephone: 020-2335401

When replying, please quote

MLD/TECH/7/VOL II/651

DISTRICT SURVEY OFFICE

P.O. BOX 1736

MALINDI

Date: 19th May, 2021

RE: GROUND REPORT FOR PICKING EXERCISE AT ADU CHAMARI AND GALANA RANCH.

PURPOSE: To pick and plot the existing cut line believed to be the boundary line between the Adu community and the Galana ranch.

AUTHORITY: request by the County Government of Kilifi after a consultative meeting with regards to the ongoing adjudication exercise within adu kamala and Adu Chamari area.

DATUM USED: F/R No. 119/86.

PRESENT: The exercise was witnessed by the County Lands officials led by the Chief Officer in charge of the Land docket, the Malindi survey office, the administrators from Magarini, the local leaders within Adu and the elders familiar with the cut line.

METHODOLOGY: The elders took the team to the cutline starting with a point near the Sabaki River running northwards. Picking was done along the cutline and this was later plotted.

With survey plan 119/86 available, the picked cut line data was then over laid on the existing survey plan.

OBSERVATION.

Survey plan 119/86 (attached) shows parcel number 1, also indicated as Galana ranch with an area of 623000 ha. The parcel falls within two counties, i.e. Kilifi County and Tana River County.

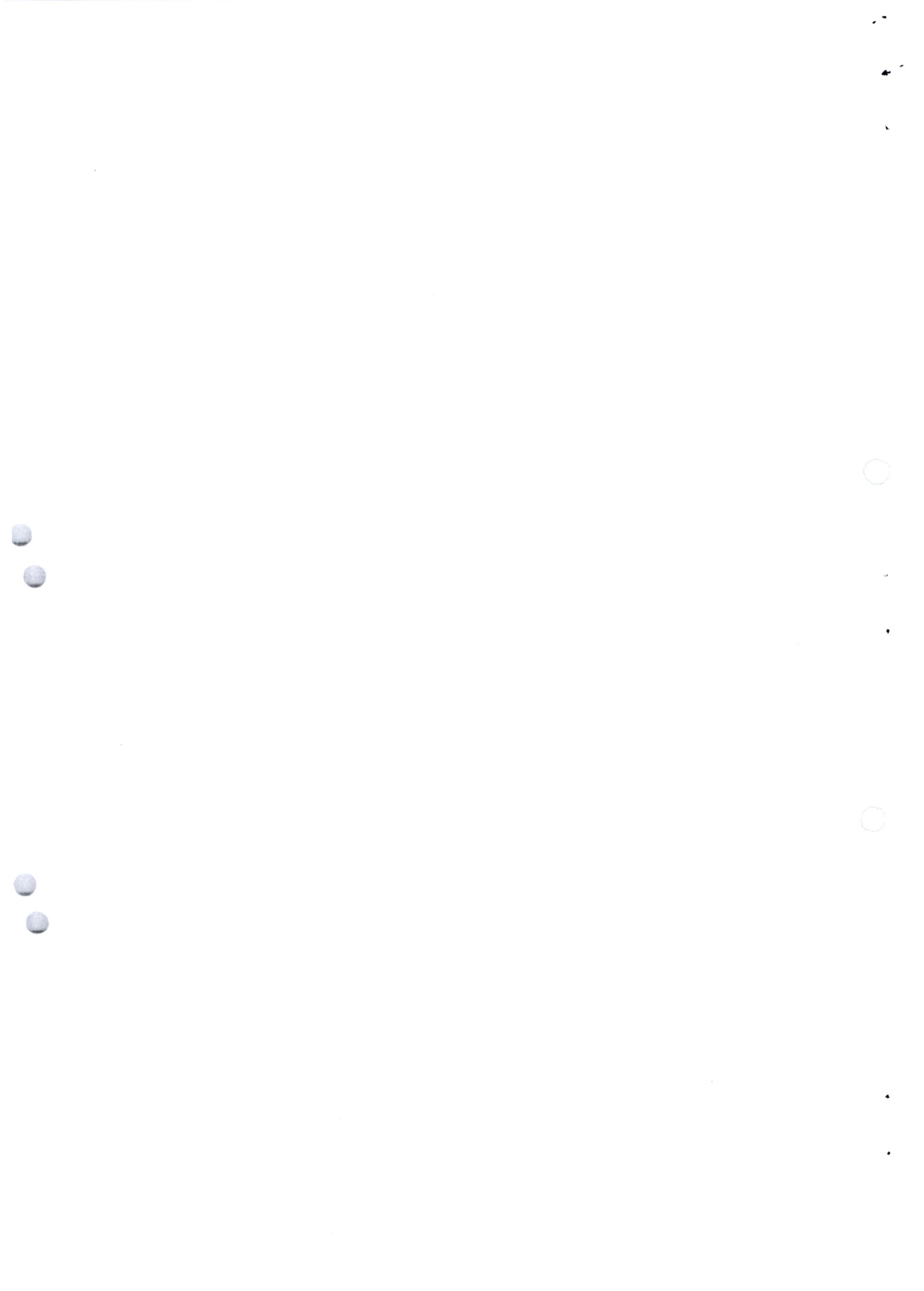
It was noted that the cut line falls within Kilifi County at the starting point at the river (near Kisiki beacon) but crosses to Tana River County as it extends northwards up to (Didima Bule beacon)

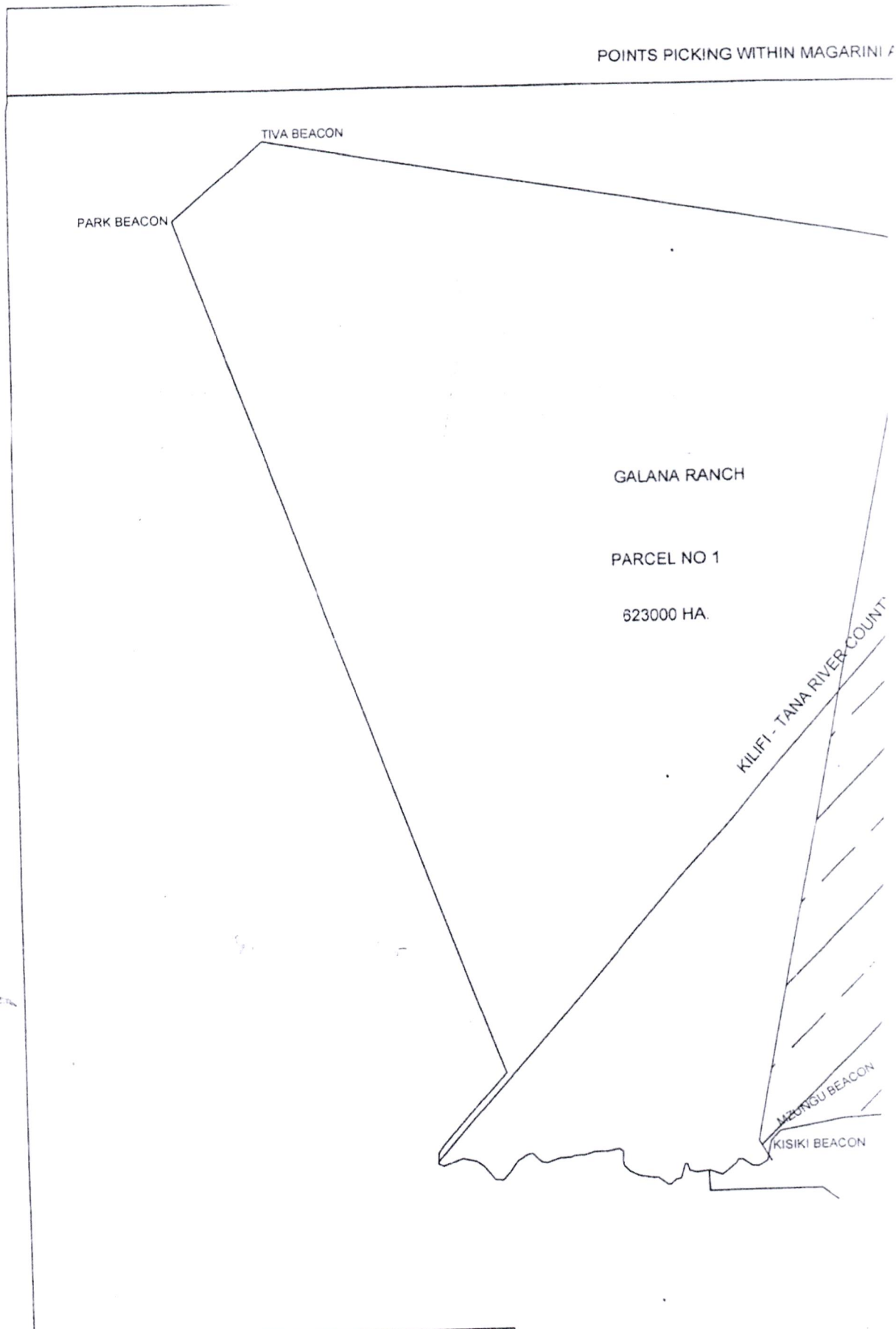
This therefore means the pointed out cut line was found to fall within the boundaries of parcel number 1 going by the survey plan F R no 119/86.

The area from the boundary of the ranch to the cut line pointed out which falls within Kilifi County was found to be approximately 237643.05 Ha. (See attached sketch map).

L M Dzoro
NG Surveyor.
Malindi/Magarini.

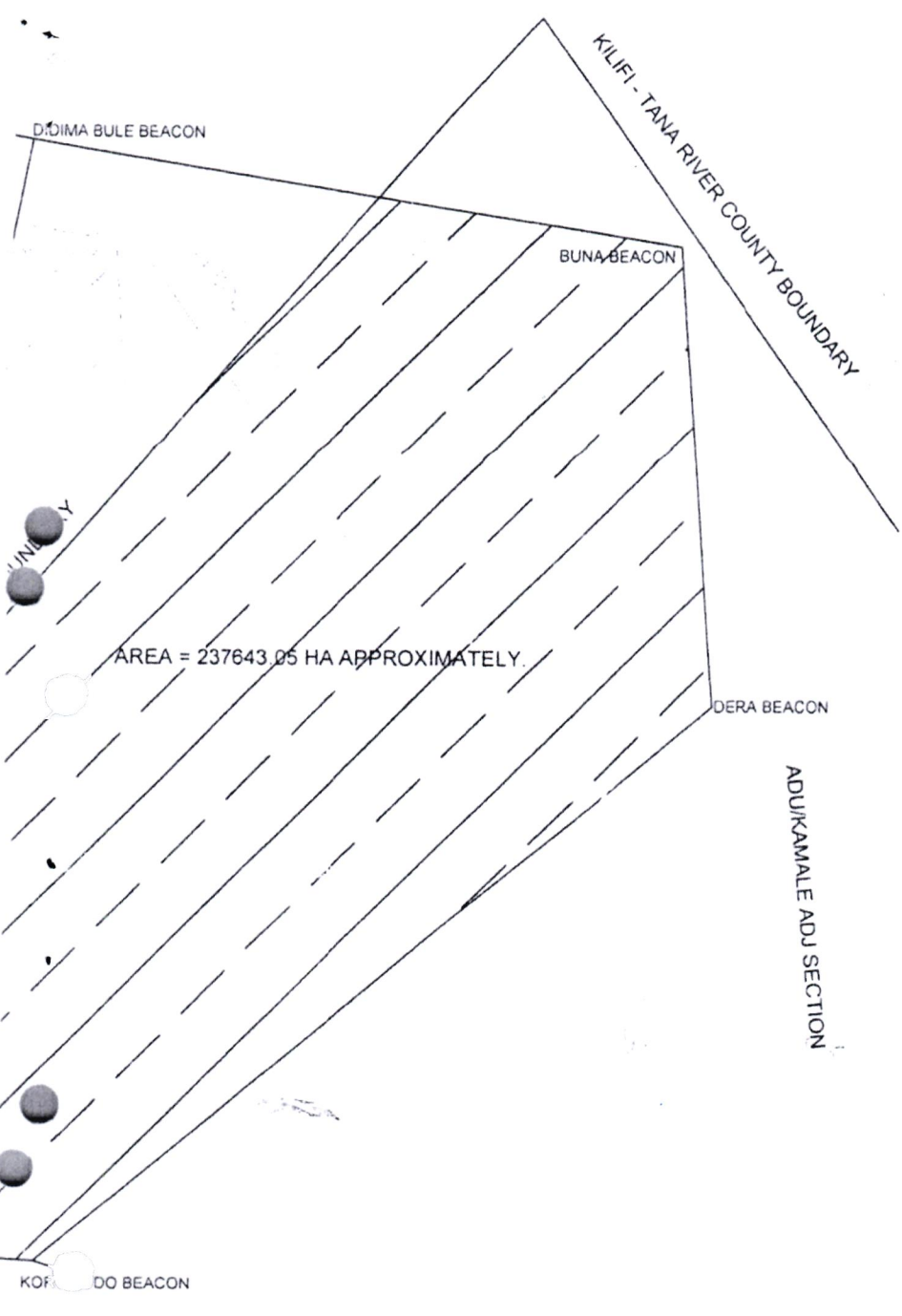
CECM
Kudly note
2021






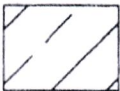


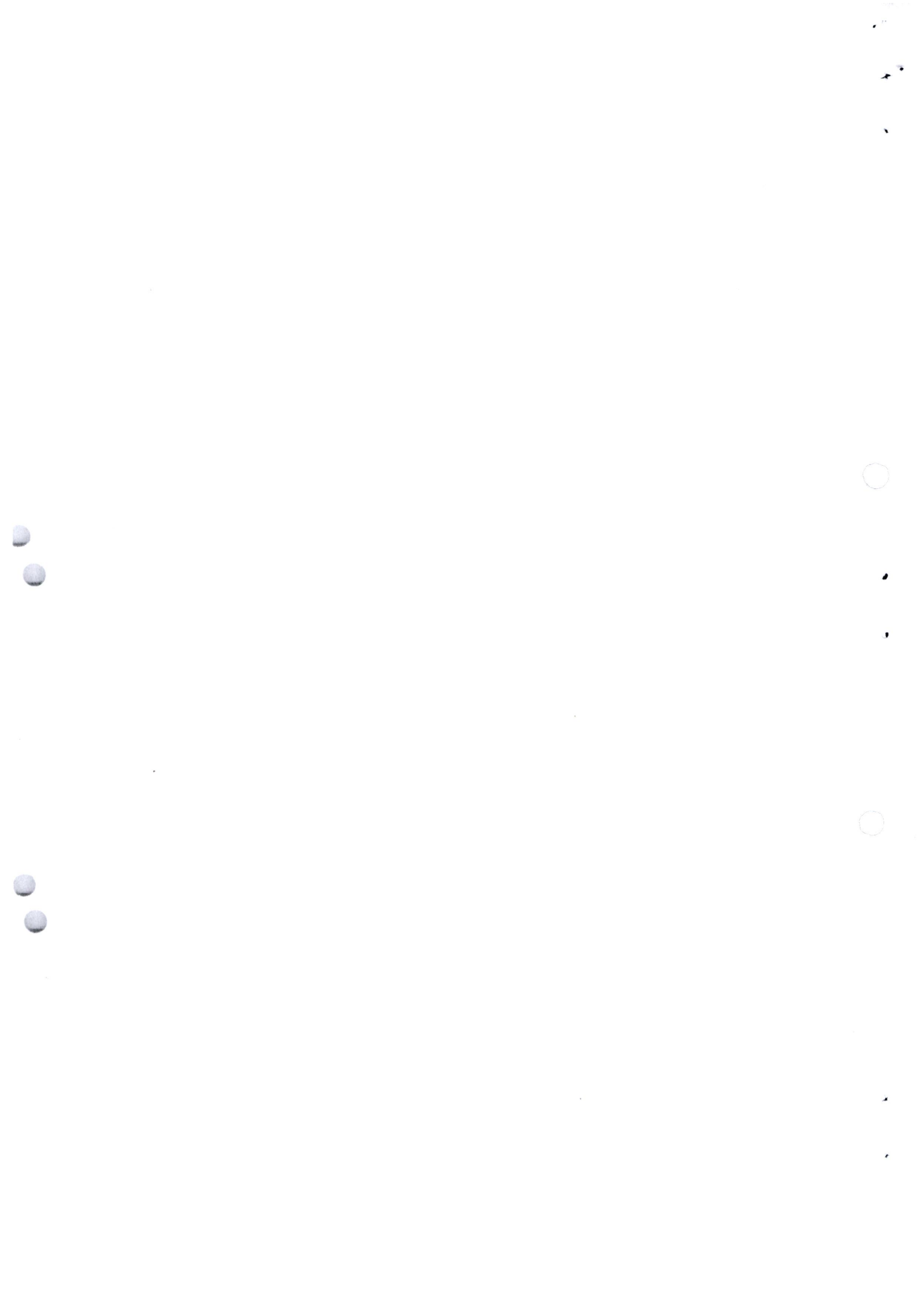
PREPARED AND PLOTTED BY:
MALINDI SURVEY OFFICE.
P O BOX 1736 - MALINDI.
MAY 2021.



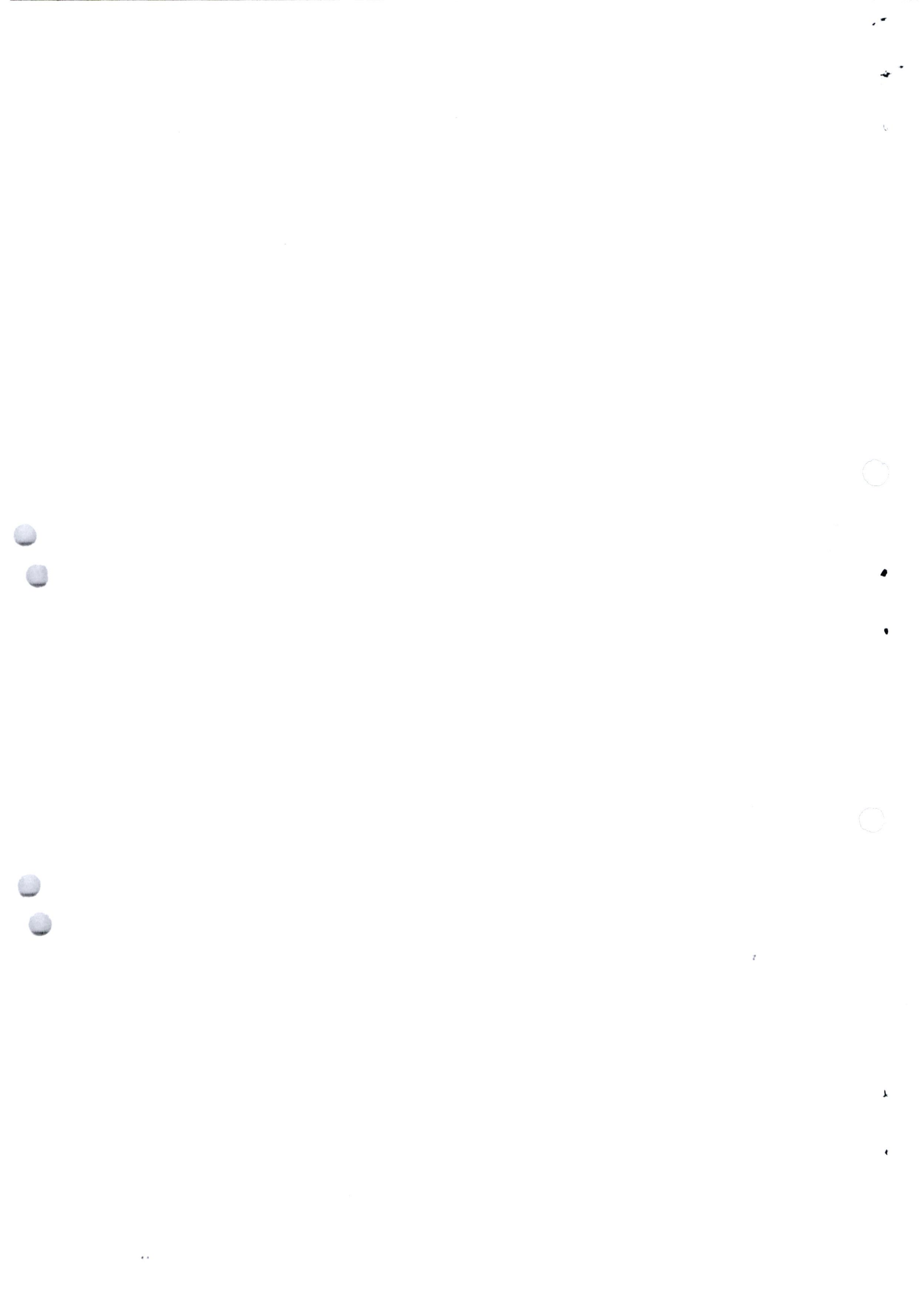


LEGEND

-  GALANA RANCH BOUNDARY: PARNEL NO. 1
-  COUNTY BOUNDARY BETWEEN TANA RIVER COUNTY AND KILIFI COUNTY
-  POINTED CUT LINE AS KNOWN TO BE THE BOUNDARY BETWEEN THE LOCALS AND THE RANCH
-  CLAIMED AREA BY THE COMMUNITY FALLING WITHIN KILIFI COUNTY = 237643.05 HA APPROXIMATELY.







REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES
OFFICE OF THE CABINET SECRETARY

Telephone: 2718870/9
Website: www.kilimo.go.ke
Email: cabinetsecretary@kilimo.go.ke
When replying please quote

KILIMO HOUSE
CATHEDRAL ROAD
P.O. Box 30028-00100
NAIROBI

Ref. No. MOAF/ADM/1/27/VOL.X1/ (46)

11th April, 2022

Mr. Michael R. Sialai, EBS
Clerk of the National Assembly
Parliament Buildings
NAIROBI

DDC
Please deal
for
13/04/22

Dear

Clerk

PUBLIC PETITION NO. 004 OF 2021 BY MAGARINI COMMUNITY LAND OWNERS REGARDING IRREGULAR EXTENSION OF GALANA RANCHING BOUNDARY

Reference is made to your letter Ref: NA/DC/LANDS/2022(007) dated 9th February, 2022 requesting for response on the above subject.

Attached is the response ready for discussion with the Departmental Committee on Agriculture, Livestock and Fisheries.

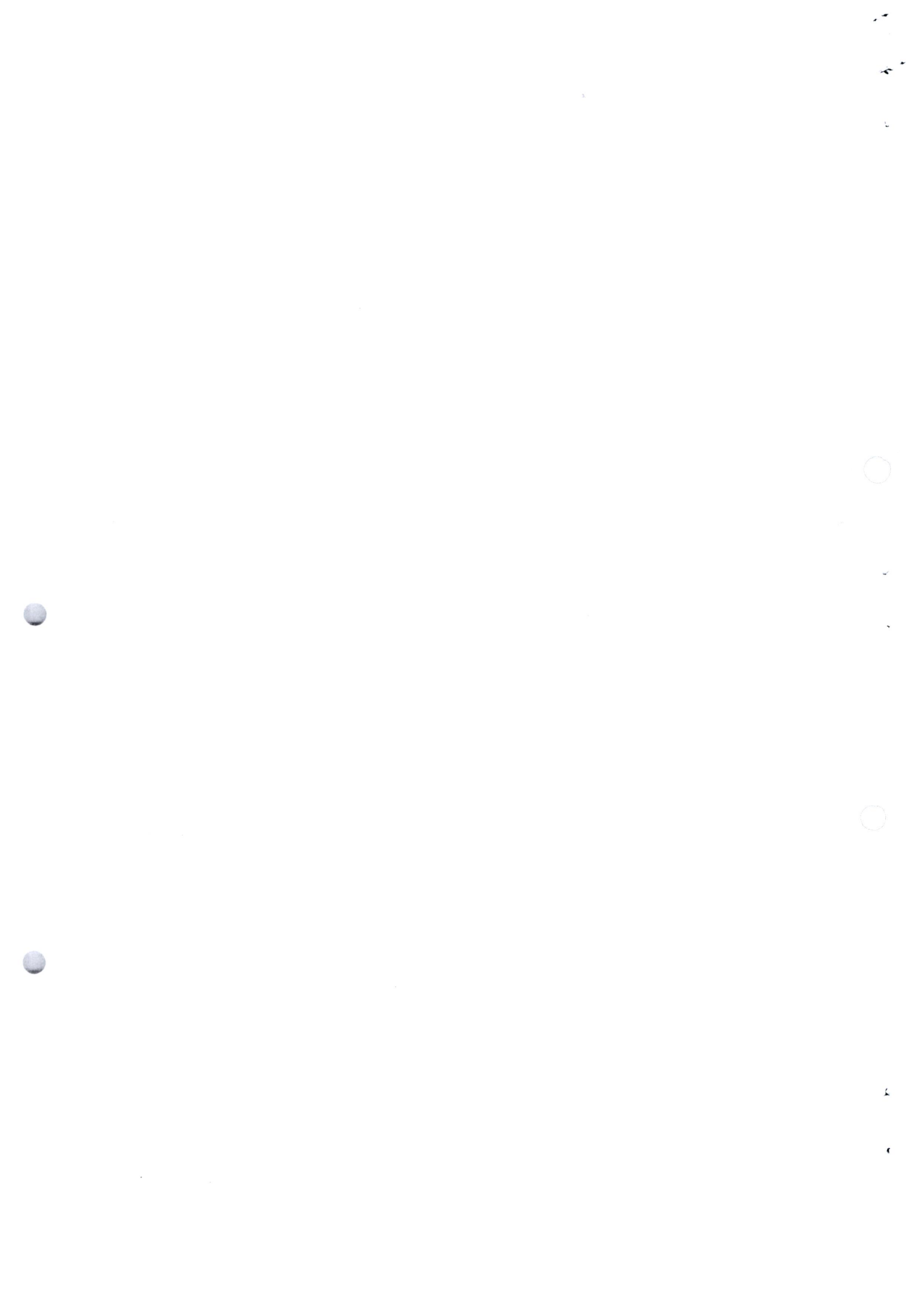
Yours sincerely,

HON. PETER MUNYA, EGH
CABINET SECRETARY

Encl.

DIRECTOR
14 APR 2022

NATIONAL ASSEMBLY
RECEIVED
13 APR 2022
DEPUTY CLERK
P.O. Box 41842 - 00100, NAIROBI



REPUBLIC OF KENYA



**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND
COOPERATIVES**

**PUBLIC PETITION NO. 004 OF 2021 BY MAGARINI COMMUNITY LAND
OWNERS REGARDING IRREGULAR EXTENSION OF GALANA RANCHING
BOUNDARY**

BY

**HON. PETER MUNYA, EGH
CABINET SECRETARY**

APRIL 2022

Overview of Agricultural Development Corporation

Honourable Chair, Agricultural Development Corporation is a Government Parastatal established through an Act of Parliament Cap 444 Laws of Kenya. Its mandate is to promote the production of Kenya's essential agricultural inputs.

The Corporation is currently undertaking its mandate at the Galana/Kulalau land by promoting high grade livestock and other agricultural activities that is intended to fulfil the Government's Big Four Agenda.

Honourable Chair, I beg to proceed to respond to the petition as follows: -

- 1. THAT, the Galana Game and Ranching community land in Kilifi and Tana River counties was indigenously settled on by the Waata and Giriama communities before colonization of the Country.**

Response

It is true that public land originally belonged to local communities before colonization of the Country. After independence with or without delineation and reservation for the past and current purposes land reserved for the community was converted to public land or private property.

- 2. THAT in 1972, the Agricultural Development Corporation (ADC) took over Galana Game and Ranching land with its original boundary points that were marked in 1961 jointly by the Waata and Giriama communities and several colonial Government representatives such as Geoffrey Pois, Martin Anderson, Henry Itanly and David Teller.**

Response

Chair I beg to respond as follows:-

Honourable members, it is true that ADC took over and owns Galana-Kulalu Ranch measuring a total of 1.745034 million Acres that is L.R GALANA RANCH/BLOCK 1/1 referred on survey of Kenya plan FR 119/86 measuring 1.5 million acres and Kulalu LR 14248 referred on survey of Kenya plan FR 195/57 measuring 245,034 acres (0.245034 million acres) making a total of 1.745034 million acres. (ADC 1 FR 119/86 Map).

- 3. That, local representatives who witnessed this demarcation separating the Ranching land from the community land included Hiribae Guyo,**

Bajin Bashora, Wakati Hogomti, Fondo Mwangirani, Kitu Nguo (all deceased) as well as Abdikadir Changuo and other community leaders.

- 4. THAT, the original boundary points were Kisiki, Tanke, Kona and Didimabul, with the upper western part of the boundary points being allocated to Galana Ranching with the lower Eastern part being reserved for Community use.**

Response 3 and (4)

Honourable Chair I beg to respond to question 3 and (4) as follows:-

The Agricultural Development Corporation took over Galana/Kulalu Ranch with well-defined georeferenced, Geometric mathematical boundaries marked on the ground, including some natural and man-made boundaries features which defines ADC Galana/Kulalu as reflected on the survey maps as per survey Acts Cap 299 before ADC took over.

The ADC Title of ownership, deed plan and the Survey of Kenya maps of ADC Galana-Kulalu Ranch clearly shows the boundary points.

THAT any other reviewed survey of Kenya Map boundaries claimed by the community is not in the knowledge of the Corporation.

- 5. THAT in 2020, and without due public participation, ADC undertook illegal and irregular boundary extension exercise that resulted in new boundary points at Chain Barrier (banets) Kormotho, Kapangani, Dakabuko, Kalaluwe, Gudjo,, Bisadhi, Darisa, Bibithole, chongoto and Dera which were then gazetted for adjudication.**
- 6. THAT, not only is the extension illegal, but failure by ADC to involve the community and leaders in Magarini Sub County in the resurveying of the land poses an existential threat to the livelihood of the local communities in light of the fact that the original beacons are still in place.**

Response to 5 and 6

It is true in October, 2020 consultant surveyor Ephantus Murage who is the Chairman Lands, Legal & Partnership accompanied by Wilson Cherop (ADC Surveyor) visited ADC Galana Kulalu Ranch, and did diligence thorough survey

work to establish the position or status of attempted illegal subdivision and encroachment on areas reported by the Galana/Kulalu Ranch Management.

Honourable Chair, guided by georeferenced details of F/R 119/86 of 1972 map, officially acceptable under survey Act Cap 299 section 41 (1) (a) (b) & (2) ADC group accompanied by the Consultant Surveyor came across six men with two motor cycles placing beacons within ADC Galana Ranch/Block 1/1 Farm.

Honourable Chair, after thorough questioning they confirmed that they were working for private surveyors who had assigned them to do the subdivision and beaconing. The attempted plots subdivision had no physical occupation but ranged between 20 acres and 20,000 acres per plot equivalent to a total of 250,000 acres (quarter million acres) as per October, 2020.

Our next visit in February 2021 on thorough technical facts finding with Lands, Legal & Partnership Committee it was discovered the attempted illegal subdivision had reached approximately 301,000 acres.

Honourable Chair, from the above background information it can be seen that in 2020, ADC neither carried any boundary review both on survey of Kenya map nor physically on the ground, therefore the boundaries of ADC have remained as they were in 1972 as per F/R 119/86.

Honourable Chair, the declared published adjudication area which is adjacent to ADC Galana/Kulalu Ranch have not encroached on ADC Galana/Kulalu Ranch.

Honourable Chair, the declaration of published adjudication area is very clear with no conflict with georeferenced, geographical coordinates of boundaries of ADC Galana/Kulalu Ranch.

7. THAT, efforts to have this matter addressed by the relevant authorities including the National Land Commission and the National Environment Management Authority have been futile.

Response

Upon noting that there were recent attempted encroachment and subdivision, ADC reported in writing to the relevant Ministries, Ethic and Anti-Corruption Commission and Directorate of Criminal Investigations. **(ADC 2 a, b & c Correspondence to ministries, EACC and DCI).**

Honourable Chair, as of today EACC has taken up investigation on the attempted subdivision while Directorate of Criminal Investigations is currently investigating on trespass and charging the culprits in court.

8. THAT, the matter in respect of which this petition is made is not pending before any Court of Law or Constitution bodies.

THEREFORE, your humble petitioners pray that the National Assembly through Departmental Committee of Lands.

- i) Enquiries into the matter with a view to Security, with the assistance of the National Land Commission, the restoration of the original boundary points of the Galana Game and Ranching land so as to safeguard the Land originally allocated to the local community.
- ii) Causes the Ministry of Lands to complete the adjudication process in the areas where it had began and urgently commence the process in the remaining areas with a view of ensuring that members of the community are issued with title deeds; and
- iii) Makes any other order or direction that it deems fit in the circumstances of the matter.

Response

Honourable Chair, I beg to respond as follows;

That from information provided above it is true that the issue of attempted illegal subdivision and encroachment is before Ethic and Anti-Corruption Commission and Directorate of Criminal Investigations. However, the query in this petition pertains to alleged boundary review by ADC and is not before the court or constitutional bodies because it never occurred.

Honourable Chair, in conclusion it is our humble prayer that the National Assembly through departmental committee on Lands finds that this petition as presented by the petitioners has not raised any pertinent issues capable of being remedied by the committee.

Honourable Chair, the petitioners have relied on a false belief that there was a boundary review by ADC in 2020. However, the information provided above proves

that ADC has never undertaken illegal and irregular boundary exercise since the acquisition of the land.

Honourable Chair, the Corporation therefore requests Parliament to hold any decision until the findings of Ethics and Anti-Corruption Commission together with the Directorate of Criminal Investigations is received.

Signature.....

Date. 12/4/22.....

HON PETER MUNYA, EGH