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2/12/2020



PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION – 2020

DEPARTMENTAL COMMITTEE ON LANDS

**REPORT ON THE CONSIDERATION OF A PETITION BY SHAREHOLDERS
OF CHENZE RANCHING COOPERATIVE SOCIETY LIMITED REGARDING
IRREGULAR TRANSFER OF THE OWNERSHIP OF CHENZE RANCH**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI**

DECEMBER, 2020

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CHAIRPERSON'S FOREWORD

The Petition by shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch was conveyed to the House by the Hon. Benjamin Dalu Stephen Tayari, MP on behalf of Petitioners on 13th August 2020.

In considering the Petition, the Committee held meetings with the Petitioners on Thursday 18th August 2020, the Chief Administrative Secretary, Ministry of Lands and Physical Planning on 30th September, 2020 and the Chairperson, National Land Commission on 13th October, 2020. The Committee also undertook a field visit to Kinango Constituency on 2nd October 2020.

The Committee observed that the land in question known as Chenze ranch, measuring 32,000 hectares was trust land formerly under the County Council of Kwale. The County Council of Kwale vide a letter Ref. CC/KWI/CONF.3/4/ (33) dated March 12, 1996 recommended the setting a part of the ranch into three parcels.

The Committee noted that Red Bridge Farm Limited was initially issued a title for LR. No. for LR. No. 19128 but the title was recalled by the Commissioner of Lands vide a letter Ref. 157407 dated 20th July 1994 due to procedural omissions during the Setting A part processes concerning execution of relevant forms. The title deed was reissued to Red Bridge Farm Limited in 2005 and registered as CR 45368 after the said anomaly was rectified.

The Committee did not find any evidence to confirm that Red Bridge Farm Limited was genuinely allocated land parcel L.R No. 24030.

In response to the prayers made by the Petitioners, the Committee recommends that the Cabinet Secretary, Ministry of Lands and Physical Planning in consultation with the County Government of Kwale does establish a Settlement Scheme on the 10121 hectares unallocated portion of Chenze Ranch to facilitate the settlement of landless residents of Kinango Constituency with six (6) months of tabling of this Report.

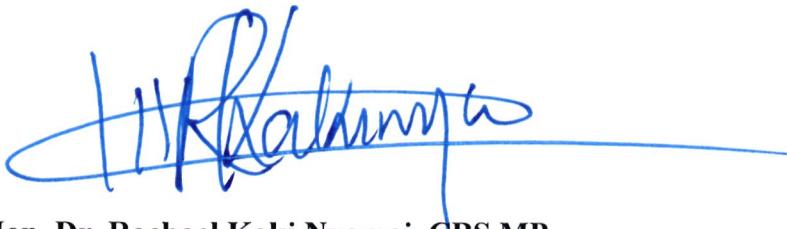
The Committee also recommends that Pursuant to the observation on paragraph 16, the Petitioners may enforce recommendation of the National Land Commission vide a letter Ref: NLC /GEN.CORRE.VOL.VIII/ (55) dated 7th February, 2018, with the Chief Land Registrar, Ministry of Lands and Physical Planning in accordance with section 80 of the Land Registration Act (No. 3 of 2012).

The Committee equally recommends that the Ethics and Anti – Corruption Commission does investigate Officers in the Ministry of Lands and Physical Planning, the National Land Commission and any other person for the possible fraudulent registration of a title deed for LR. No. 24030.

Finally, the Committee recommends that pursuant to the provisions of section 80 of the Land Registration Act, the Ministry of Lands and Physical Planning does initiate the process of cancellation of title deed for LR. No. 24030.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Petitioners, the Chairperson, National Land Commission and the Chief Administrative Secretary, Ministry of Lands & Physical Planning, and representatives of Chenze Ranching Cooperative Society for the submissions they made.

On behalf of the Committee and pursuant to Standing Order, 227 it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Petition by shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch.



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

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:
 - (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
 - (vi) 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
MP for Kitui South Constituency
Jubilee Party

Vice Chairperson

Hon. Khatib Mwashetani, MP
MP for Lunga Lunga Constituency
Jubilee Party

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

Hon George Risa Sunkuyia, MP
Member for Kajiado West
Constituency
Jubilee Party

Hon Joshua Kutuny Serem, MP
Member for Cherangany
Constituency
Jubilee Party

Hon. John Muchiri Nyaga, MP
Member for Manyatta Constituency
Jubilee Party

Hon. Mishi Mboko, MP
Member for Likoni Constituency
Orange Democratic Movement
(ODM)

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

Hon. Omar Mwinyi, MP
Member for Chagamwe
Constituency
Orange Democratic Movement
(ODM)

Hon. Lilian Tomitom, MP
Member for West Pokot County
Jubilee Party

Hon. Ahmed Kolosh, MP
Member for Wajir West
Constituency
Jubilee Party

Hon. Owen Yaa Baya, MP
Member for Kilifi North
Constituency

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

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

Hon. Caleb Kipkemei Kositany,
MP
Member for Soy Constituency
Jubilee Party

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

**Orange Democratic Movement
(ODM)**

Hon. Patrick Munene Ntwiga, MP
Member for Chuka/Igambangombe
Constituency

Jubilee Party

Hon. Samuel Kinuthia Gachobe,
MP

Member for Subukia Constituency

Jubilee Party

Hon. Teddy Mwambire, MP

Member for 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
Second Clerk Assistant

Ms. Winnie Kizia
Media Relations Officer III

Dr. Kefa Omoti
Principal Research Officer

Mr. Dennis Mawira
Audio Officer

Ms. Jemimah Waigwa
Legal Counsel I

Ms. Peris Kaburi
Serjeant-At-Arms

Mr. Adan Abdi
Fiscal Analyst III

2.0 INTRODUCTION

6. The Petition by shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch was conveyed to the House by the Hon. Benjamin Dalu Stephen Tayari, MP on behalf of Petitioners on 13th August 2020.
7. The Petitioners wished to draw the attention of the House to the following, that:
8. Subject to Article 65 of the Constitution, every person has a right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya if it is lawfully acquired.
9. At independence, the Kenya Triangle Grazing / Hunting Block No. 24 situated in Kwale was classified as a game block and was later designated as a livestock rearing area under the ranch management concept to benefit the local people and was divided into several ranches, namely Kuranze Ranch, Lungalunga Ranch, Mwabeja Ranch and Chennze Ranch.
10. Chenze Ranch measuring approximately 32, 000 ha was earmarked and set aside for Chenze Ranch Cooperative Society registered in 1968 under certificate No. 1786.
11. The Chenze Ranching and Co-operative Society embarked on a complicated and frustrating journey towards acquisition of a title deed for Chenze Ranch since 1968.
12. In 1991, the Society discovered that the parcel of land had been irregularly registered as parcel No. 24030 and 19198 and the title deeds issued to Red Bridge Ltd.
13. To reverse the unfortunate historical injustice that had occasioned disinheritance of the local community of the said parcel, the Chenze Ranching Cooperative Society Ltd presented a case with the National Land Commission in 2015.
14. Preliminary findings by the National Land Commission revealed that all prerequisite formalities pursued by Chenze Ranching Cooperative Society since 1968 clearly indicated that the land rightfully ought to be registered in favour of Chenze Ranching Cooperative as the owners and that the Land Registrar should revoke the title LR. 19198.
15. The National Land Commission declared LR. No. 24030 in the name of Red Bridge Farm purportedly in Kwale County illegal since the parcel of land is in fact in Karen Nairobi County and further declared that the illegal entry in Mombasa Registry be forthwith expunged.

16. The National Land Commission declared LR. No. 19198 should revert to the County Government of Kwale who were directed to start registration of the rightful owners of the parcel and further reserve space for public utilities and markets.
17. Officials of Chenze Ranching Cooperative Society later discovered in 2019 that the then Vice – Chairperson of the National Land Commission Ms. Abigael Mbagaya Mukolwe reneged on the Commission ‘s resolution and purported to award Red Bridge Farm Ltd as the legal owner of Chenze Ranch under unclear circumstances in breach of the constitutional mandate of the National Land Commission.
18. If this is not reversed, members of Chenze Cooperative Society Ltd stand the risk of being disinherited of Chenze Ranch and subjected to permanent loss of livelihoods.
19. The petitioners sought redress from various government institutions such as the County Commissioner, the County Government of Kwale and the National Land Commission in vain.
20. The matters raised in the petition were not pending in any court of law, constitutional or judicial body.
21. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands:
 - a. Inquiries into the issues raised in the petition with a view of establishing the circumstances under which Chenze Ranch was irregularly subdivided and registered in the name of Red Bridge Limited and recommend sanctions against individuals who aided the irregular transfer;
 - b. Intervenes to cause the relevant government agencies to consider revoking both lease tile deeds given to m/s Red Bridge Ltd for LR. No. 24030 and LR. No. 19198;
 - c. Recommend the revocation of the titles that were illegally issued and that the entire block of 32,000 Ha be allocated to the bonafide owners: and
 - d. Make any other recommendations as it deems fit in addressing the plight of the petitioners

3.0 SUBMISSIONS

3.1 Submissions by the Petitioners

23. The Committee held a meeting with Hon. Benjamin Dalu Stephen Tayari, MP and representatives of the Petitioners on and on 2nd October 2020 during a field visit to Kinango Constituency. The Petitioners informed the Committee that:
24. Chenze Ranch measuring approximately 32,000 hectares was earmarked and set aside for ranching for Chenze Ranching Cooperative Society registered in 1968 under certificate no. 1786.
25. In 1991, the Society discovered that the ranch had been irregularly registered as parcels LR Nos. 24030 and 19198 and title deeds issued to Red Bridge Limited.
26. The Society filed a historical injustice case with the National Land Commission in 2015 and the preliminary findings were that the ranch ought to have been registered in favour of Chenze Ranching Co-operative Society and further established that the parcel of land with LR No. 24030 was in Karen, Nairobi hence its entry should be expunged from the Mombasa Central Registry.
27. The National Land Commission declared that LR. No 19198 should revert to the County Government of Kwale who shall then register it in favour of the rightful owners while reserving space for public utilities.
28. In 2019, Ms. Abigail Mbagaya Mukolwe the then Vice Chairperson of the National Land Commission unilaterally awarded ownership rights of the Chenze Ranch to Red Bridge Limited in contravention of the constitutional mandate of the National Land Commission.
29. The petitioners sought redress from various government institutions in vain and that the matters raised in the petition were not pending in any court of law, constitutional or judicial body.
30. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands:
 - e. Inquiries into the issues raised in the petition with a view of establishing the circumstances under which Chenze Ranch was irregularly subdivided and registered in the name of Red Bridge Limited and recommend sanctions against individuals who aided the irregular transfer;

- f. Recommend the revocation of the titles that were illegally issued and that the entire block of 32,000 Ha be allocated to the bonafide owners: and
- g. Make any other recommendations as it deems fit in the circumstances of the petition.

3.1 Submissions by the Chief Administrative Ministry of Lands & Physical Planning

- 31. The Committee held a meeting with the Chief Administrative Secretary, Ministry of Lands and Physical Planning on 29th September, 2020. The Chief Administrative Secretary also accompanied the Committee during a field visit to Kinango Constituency on 2nd October 2020. During the meetings, the Chief Administrative Secretary informed the Committee that
- 32. The land parcel known as Chenze ranch measuring 32,000 Ha was trust land formerly under the County Council of Kwale (currently County Government of Kwale).
- 33. The then County Council of Kwale vide a letter Ref. CC/KWI/CONF.3/4/ (33) dated March 12, 1996 requested the Commissioner of Lands to allocate Chenze Ranch as follows:
 - a) 15,000 hectares to Red Bridge Farm
 - b) 4,856 to hectares Chenze Ranch
 - c) 2,023 to hectares Mbita Village
- 34. The Council through the same letter, recommended setting a part of the three portions so as to convert them from trust land to private land. The 15,000 Ha was set apart vide Gazette Notice No. 187 of January 14, 1994.
- 35. The issuance of a lease in favour of Red Bridge Farm Limited for a 66 – year term on March 4, 1994 was subject to the company undertaking several projects for the community living in the area indicated in the letter of offer.
- 36. Upon payment of the requisite fees, the title of the land LR No. 19128 was issued in favour of Red Bridge Farm.
- 37. There was a procedural omission during the process of setting apart concerning the execution of the relevant forms as per a letter by the Commissioner of Lands Ref. No. 156407/ (6) dated 20th July 1994 and a letter from the County Council of Kwale Ref. No. CC/CONF 3/4/23 dated 11th October 1994 and the title was recalled and thereafter surrendered.
- 38. In October 11 1996, The Kwale District Commissioner informed the Commissioner of Lands on objections raised by the locals in respect of the allocation to Red Bridge

farm, however the County Council of Kwale reaffirmed the allocation to Red Bridge farm vide a letter dated January 17, 1997.

39. The Commissioner of Lands in a letter Ref No. 157407/54 dated 6th April 2005 referred the matter back to the Council of Kwale to determine the issue of the ownership of the said parcel of land. The Council vide a letter Ref. No. CC/KWL/VET.23 VOL.I/ (63) reaffirmed that the land was allocated to Red Bridge Farm Ltd. The title to Red Bridge farm was reissued in 2007 as CR 45368.
40. Regarding the registration of L.R. No. 24030 the Chief Administrative Secretary stated that there were no records held by the Ministry to support registration of the title CR No. 47637 (L.R. No. 24030) as the L.R. No. 24030 relates to a parcel of land in Nairobi. However, the Land Registrar Mombasa informed the Committee that title documents in his custody indicated that Red Bridge Farm Ltd held two title deeds of LR. Nos 19128 and 24030.
41. The dispute over the ownership of the land in question was a subject of a review by the National Land Commission which made a determination on January 21, 2019 for the revocation of both L.R Nos. 19128 and 24030 as they were forgeries. The Commission reversed its decision to revoke the titles vide a letter Ref. No. NLC/GE.CORRE./VOL.VIII (64) dated 7th February, 2019.
42. During the field visit the Committee also received oral submissions from Mr. John Wanjohi, the Land Registrar Mombasa County and Mr. Kennedy Njenga, the County Land Management Coordinator, Kwale County. The Officers informed the Committee that:
 - i) The title deed for LR. No. 19128 measuring approximately 15,000 hectares was issued on 5th July 2007 by the Commissioner of Lands and a new grant was forwarded to the Land Registrar Mombasa on 26th March 2010. It was subsequently registered and handed over to Red Bridge Farm Limited.
 - ii) The Title Deed for LR. No. 24030 was issued on 5th July 2009.
 - iii) The National Land Commission forwarded a letter dated 28th April 2018 placing restrictions on both title deeds:
 - iv) The two title deeds had not been charged to any bank and had no other encumbrance.
 - v) However, Mr. Geoffrey Kibowen a Surveyor in the Ministry of Lands and Physical Planning, who accompanied the Chief Administrative Secretary informed the Committee that the title deed for LR. No. 24030 was fraudulently obtained given that it was not supported by a survey map and the Land Reference No. 24030 was for a parcel of land in Karen, Nairobi

3.3 Submissions by the Chairperson, National Land Commission

43. The Committee held a meeting with the Chairperson, National Land Commission on 13th October, 2020. The also received oral submissions from Mr. Samuel Odari a Deputy Director, National Land Commission during visit undertaken by the Committee on 2nd October 2020. During the meeting, the Chairperson informed the Committee that:
44. The land parcel known as Chenze Ranch measuring approximately 32,000 hectares was trust land formerly under the County Council of Kwale (now the County Government of Kwale). The ranch which is situated in Kinango Sub County is also Known as Kwale Ranch.
45. The same parcel of land is also claimed by Red bridge Farm Limited.
46. The matter was discussed by the Committee on Review of Grants and Dispositions of the Commission and not as a historical land injustice matter as stated in the petition.
47. On 17th November, 2015 the Commission held a meeting to review grants and dispositions (under Section 14 of the National Land Commission Act) of four ranches in Kwale including Chenze Ranch. The meeting was chaired by the then Commission Chairperson, Prof Mohammad Swazuri and attended by Kwale County Governor. The Commission made the following determination regarding dispute between Chenze Cooperative Society Ltd and Red Bridge Farm Limited.
 - a. No valid title exists for LR. No 19128 and LR No. 24030. The issuance of the titles was based on a forgery as confirmed by a letter from the Director of Survey. Which indicated that LR. 24030 is a number for a parcel of land in Nairobi and there was also no Gazettee Notice for the Setting A part of the space that later became LR. 24030.
 - b. LR No. 19128 was also not legally gazetted as having been set apart in pursuance of the Trust Land Act. Due process was not followed and therefore the title in the name of Red Bridge Ltd is a nullity.
 - c. The Commission recommended the revocation of the title and expunging of the records at the Mombasa registry Both parcels of land were recommended to be vested in the County Government of Kwale to hold in trust on behalf of the people resident in the area.
 - d. Both parcels were recommended for revocation and vesting of the two parcels of land in the County Government of Kwale on behalf of the residents of the area.

48. Red Bridge Farm Ltd launched an appeal vide a letter by P. K. Kibet Advocate REF.PK/CONV/076/2018 dated 7th January, 2019 on grounds that the firm had not been accorded an opportunity to be heard.
49. The Chairperson, National Land Commission stated that by the time of the appeal was lodged, the mandate of the Commission to make decisions under Section 14 of the National Land Commission Act had lapsed. Further the minutes of the Commission meeting held on 21st January 2019, where the said appeal was purported to have been heard indicate that the Commission resolved to postpone determination of the appeal. There were no other records held by the Commission to indicate that the said appeal was ever heard. This meant that the determination made by the Commission on 17th November, 2015 regarding the two parcels of land was still valid.

3.4 Submissions by Mr. Ketan Kumar Vinubhai Karania, Director Red Bridge Farm Kenya Limited

50. The Committee held a meeting with Mr. Ketan Kumar Vinubhai Karania, Director Red Bridge Farm Kenya Limited on Wednesday 4th November, 2020. During the meeting, he informed the Committee as follows:
51. Red Bridge Farm Limited made an application to the then County Council of Kwale for allocation of part of Trust land for ranching purposes. Subsequently the Council allocated 15,000 hectares of land to the company following a resolution of the Council dated 1st December 1993.
52. The said allocation was followed by the setting a part of the land in question vide Gazette Notice No. 187 of January 1994. Pursuant to the setting a part of the land, the Commissioner of Lands issued the company with a letter of allotment dated 4th March 1994. Thereafter a Grant registered as C.R. No. 25484 was issued to the company.
53. However, the Commissioner of Lands, vide a letter Ref. No. 157407/(6) dated 20th July 1994, informed the company that during the setting a part of the land certain procedures were inadvertently omitted, this included the signing of relevant forms. The Commissioner of Lands advised the directors of Red Bridge Farm Limited to surrender the title to facilitate the correction of the said anomaly. The company complied.
54. The Petitioners in the present Petition then abandoned their pursuit for the documentation of the land allocated to them and instead started challenging the allocation of the 15,000 hectares to Red Bridge Farm Limited.
55. In response to the claim the County Council of Kwale stated that at a meeting of the Council held on 1st December 1993, recommended allocation of land to Red Bridge Farm Limited, Chenze Ranch and Mbita village residents to ensure fair distribution on the part of the County Council.

56. The Company was re issued with a title for LR. No. 19128 comprising 15000 hectares of land that was registered as C.R No. 45368 in 2005.
57. The National Land Commission published a notice in the Daily Nation on 1st September, 2015 in which the Commission requested all owners of Ranches listed in the notice to submit original and certified copy of title deed, a copy of Gazette Notice setting a part, a copy of an approved survey plan among other documents.
58. Red Bridge Farm Limited furnished the Commission with all the documents by delivering them to the office of the Commission Chief Executive Officer in Nairobi.
59. In a meeting convened by the National Land Commission in Kwale in November 2015, the Petitioners in this Petition were asked to produce documents to support their claim over the parcels of land but they were unable to produce any document and the matter was closed.
60. The firm was not represented in the public hearing that was held in Kwale by the National Land Commission. They however indicated that they were represented incognito due to short notice as they were invited through a newspaper notice and did not see in time.
61. However, the National Land Commission County Coordinator for Kwale wrote a letter dated 10th April 2018 requesting the Principal Land Registrar to register restrictions on the parcels of land held by Red Bridge Farm Limited under the review of grants and dispositions of public land. Which culminated in an unfair recommendation that the titles held by the company be revoked.
62. The company appealed against the said recommendation and requested for audience with the Commission to present its case, Subsequently the Commission gave the company the chance to present its case and documents showing that the contested title deeds were acquired legally. The Commission also received a report from the Ministry of Lands and Physical Planning which vindicated Red Bridge Farm Limited from any wrongdoing.
63. The National Land Commission reversed its determination regarding the revocation of the two title deeds held by Red Bridge Farm Limited.

64. The Director stated that he did not have much information with respect to the acquisition land parcel L.R No. 24030 apart from indicating that the title deed was issued by the Ministry of Lands and Physical Planning.
65. Mr. Ketan Kumar Vinubhai Karania acknowledged that Red Bridge Farm Limited did not undertake any development project in Kinango Constituency contrary to the conditions of the lease. He however indicated that they could not do so as the ownership of the parcels of land was in contention.
66. The director failed to submit copies of the original /surrendered and the reissued title for LR. No. 19128, an invitation letter by the Commission to the company to present its case and documents showing that the contested title deeds were acquired legally. Despite been requested to do so by the Committee.

4.0 OBSERVATIONS

The Committee made the following observations:

1. The land in question known as Chenze ranch measuring 32,000 hectares was trust land formerly under the County Council of Kwale.
2. The County Council of Kwale vide a letter Ref. CC/KWI/CONF.3/4/ (33) dated March 12, 1996 recommended the setting a part of the Ranch into three private parcels and requested the Commissioner of Lands to allocate the ranch as follows:
 - i. 15,000 hectares to Red Bridge Farm
 - ii. 4,856 to hectares Chenze Ranch
 - iii. 2,023 to hectares Mbita Village
3. Although submissions made to the Committee by both the Ministry of Lands & Physical Planning and the National Land Commission indicated that Chenze Ranch measures approximately 32, 000 hectares, only 21,879 hectares were allocated to the three groups as indicated in (2) above. Therefore, no evidence was availed to the Committee indicating how the balance of 10,121 hectares was allocated.
4. The Committee did not find any evidence to confirm the assertion made by the Petitioners that the entire Chenze Ranch measuring approximately 32, 000 hectares was earmarked and set aside for Chenze Ranching Cooperative Society as alleged by the Petitioners.
5. Red Bridge Farm Limited was issued with an allotment letter for LR. No. 19128 dated 4th March 1994. The firm was subsequently issued with a title for the same. However, the title was recalled by the Commissioner of Lands vide a letter Ref. 157407 dated 20th July 1994 due to procedural omissions during the Setting a part processes concerning execution of relevant forms.
6. Although the District Commissioner Kwale vide a letter dated 11th October, 1996 raised an objection regarding the allocation of the land in question to Red Bridge Farm Limited, the County Council of Kwale reaffirmed the allocation vide a letter Ref. CC/KWL/CONF.3/4/40 dated 17th January 1997 and another letter dated 6th April 2005.
7. The title deed for LR. No. 19128 was reissued to Red Bridge Farm Limited in 2005 and registered as CR 45368.

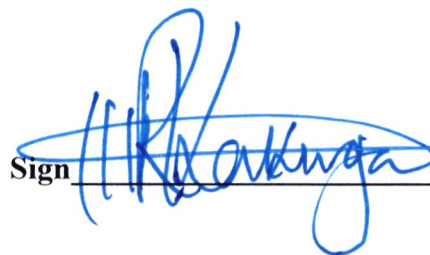
8. The issuance of a lease in favour of Red Bridge Farm Limited for a 66 – year term on March 4, 1994 was subject to the company undertaking several projects for the community living in the area as indicated in the letter of offer.
9. Red Bridge Farm Limited was issued with a title deed for LR. No. 19128 measuring approximately 15,000 hectares and not LR. No. 19198 as indicated in the Petition.
10. The Committee did not find any evidence to confirm that Red Bridge Farm Limited was genuinely allocated land parcel L.R No. 24030. The Committee observed that:
 - a) There was no evidence of any allotment letter issued to Red Bridge Farm Limited for LR. No. 24030.
 - b) Submissions made to the Committee by the Ministry of Lands and Physical Planning indicated that the Land Reference No 24030 was for a parcel of land in Karen, Nairobi and there were no records held by the Ministry to support the registration of the title for LR. No. 24030 (CR 47637).
 - c) There was no evidence of the issuance of a Gazettee Notice and the setting a part for the said parcel from trust land to private land.
 - d) Mr. Ketan Kumar Vinubhai Karania, a Director of Red Bridge Farm Limited did not submit any evidence to the Committee regarding the acquisition of the title for LR. No. 24030 by the firm.
11. Red Bridge Farm Limited did not undertake any development project in Kinango Constituency contrary to the conditions of the lease, despite the firm having obtained a title deed for LR. No. 19128 in 2005.
12. Submissions made to the Committee by the Chairperson, National Land Commission indicated that a complaint regarding the land in question lodged by the Petitioners was discussed by the Committee on Review of Grants and Dispositions of the Commission and not as a historical land injustice matter as stated in the Petition.
13. The National Land Commission reviewed the grant and disposition for Chenze Ranch on 17th November 2015 and determined that no valid title exists for LR. No. 19128 and LR. No. 24030 held by Red Bridge Farm Limited and recommended the revocation of titles and expunging of the records at the Mombasa Registry for the following reasons:
 - i) There was no Gazette Notice for the Setting A part of LR. No. 19128 pursuant to the Land Act and due process was not followed in the exercise.
 - ii) LR. No. 24030 is a number for a parcel of land in Nairobi.
 - iii) FR. 256/32 does not carry LR. No. 24030.

14. Red Bridge Farm Ltd launched an appeal on grounds that they had not been afforded an opportunity to be heard vide a letter dated 7th January, 2019.
15. The submissions made to the Committee by the Chief Administrative Secretary, Ministry of Lands and Physical Planning held that Red Bridge Farm Limited genuinely obtained a title deed for LR. No. 19128, contradicting the determination made by the National Land Commission that no valid title exists for LR. No. 19128 and LR. No. 24030.
16. Submissions made to the Committee by the Chairperson, National Land Commission indicated that by the time the appeal was lodged, the mandate of the Commission to make decisions under Section 14 of the National Land Commission Act had lapsed. Further the minutes of the commission meeting held on 21st January 2019, where the said appeal was heard indicate that the Commission resolved to postpone the determination of the appeal. There were no other records held by the commission to indicate the said appeal was ever heard.
17. The determination made by the National Land Commission vide a letter Ref: NLC /GEN.CORRE.VOL.VIII/ (55) dated 7th February 2018, which recommended that the Chief Land Registrar revokes the two title deeds for LR. No. 19128 and LR. No. 24030 held by Red Bridge Farm Limited was still valid.

5.0 COMMITTEE RECOMMENDATIONS

In response to the Petitioners' prayers, the Committee recommends that-

1. **The Cabinet Secretary Ministry of Lands and Physical Planning in consultation with the County Government of Kwale does establish a Settlement Scheme on the 10121 hectares unallocated portion of Chenze Ranch to facilitate settlement of landless residents of Kinango Constituency with six (6) months of the tabling of this Report.**
2. **Pursuant to the observation on paragraph 16, the Petitioners may enforce recommendation of the National Land Commission vide a letter Ref: NLC /GEN.CORRE.VOL.VIII/ (55) dated 7th February, 2018, with the Chief Land Registrar, Ministry of Lands and Physical Planning in accordance with section 80 of the Land Registration Act (No. 3 of 2012).**
3. **The Ethics and Anti – Corruption Commission does investigate Officers in the Ministry of Lands and Physical Planning, the National Land Commission and any other person for the possible fraudulent registration of a title deed for LR. No. 24030.**
4. **Pursuant to the provisions of section 80 of the Land Registration Act, the Ministry of Lands and Physical Planning does initiate the process of cancellation of title deed for LR. No. 24030.**

Sign  Date 2/12/2020

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

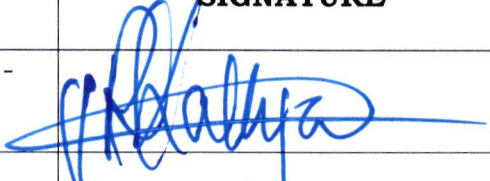
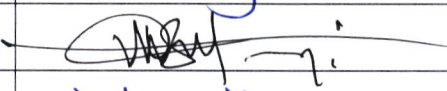


DEPARTMENTAL COMMITTEE ON LANDS

Adoption List

Date: 2nd December, 2020

**Adoption of report on the Petition regarding irregular transfer of ownership of
Chenze Ranch from Chenze Ranching Cooperative Society**

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

MINUTES OF THE 52ND SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON WEDNESDAY, 2ND DECEMBER, 2020 IN THE COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, CBS, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M. P - **Vice Chairperson**
3. Hon. Joshua Kutuny, MP
4. Hon. Mishi Mboko, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Ahmed Kolosh, MP
7. Hon. Babu Owino, MP
8. Hon. Caleb Kositany, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. John Muchiri Nyaga, MP
11. Hon. Josphat Gichunge Kabeabea, M.P
12. Hon. Owen Yaa Baya, M.P
13. Hon. Patrick Munene Ntwiga, MP
14. Hon. Samuel Kinuthia Gachobe, MP
15. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Benjamin Washiali, CBS, MP
2. Hon. Ali Mbogo, M.P
3. Hon. George Aladwa, M.P
4. Hon. Lilian Tomitom, MP

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Senior Clerk Assistant
2. Mr. Ahmad Guliye - Second Clerk Assistant
3. Mr. Sidney Lugaga - Legal Counsel I
4. Mr. Dennis Mawira - Audio Officer
5. Ms. Peris Kaburi - Sergeant At Arms

MIN. NO. NA/DCS/LANDS/2020/206: PRELIMINARIES

The meeting was called to order at fifteen minutes past eleven o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2020/207: CONFIRMATION OF MINUTES

This agenda item was differed to the next sitting.

MIN. NO. NA/DCS/LANDS/2020/208: ADOPTION OF THE REPORT ON THE SENATE AMENDMENT TO THE SECTIONAL PROPERTIES BILL, (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)

The Committee considered and adopted the report on the Senate amendment to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019) with the following recommendations after it was proposed and seconded by Hon. Teddy Mwambire, MP and Hon. Caleb Kositany, MP respectively.

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting subclause (5) and substituting therefor the following new subclause-

(5) Before registering a proposed sectional plan of sub-division or consolidation, the Registrar shall amend, in the manner prescribed by the regulations, the original sectional plan as endorsed by a surveyor

Committee recommendation

The Committee agreed to the Senate amendment to clause 12.

Justification

The amendment seeks to ensure that the sub-division or consolidation of sectional plans are properly demarcated in accordance with the survey plans prior to being amended and subsequently registered by the registrar.

MIN. NO. NA/DCS/LANDS/2020/209: ADOPTION OF THE REPORT ON THE CONSIDERATION OF A PETITION BY SHAREHOLDERS OF CHENZE RANCHING COOPERATIVE SOCIETY LIMITED REGARDING IRREGULAR TRANSFER OF OWNERSHIP OF CHENZE RANCH

The Committee adopted the report on the petition by shareholders of Chenze ranching Cooperative Society Limited regarding irregular transfer of ownership of Chenze Ranch with the following

observations and recommendations after it was proposed and seconded by Hon. Joshua Kutuny, M.P and George Sunkuyia, M.P respectively.

Observations

- I. The land in question known as Chenze ranch measuring 32,000 hectares was trust land formerly under the County Council of Kwale.
- II. The County Council of Kwale vide a letter Ref. CC/KWI/CONF.3/4/ (33) dated March 12, 1996 recommended the setting a part of the Ranch into three private parcels and requested the Commissioner of Lands to allocate the ranch as follows:
 - i. 15,000 hectares to Red Bridge Farm
 - ii. 4,856 to hectares Chenze Ranch
 - iii. 2,023 to hectares Mbita Village
- III. Although submissions made to the Committee by both the Ministry of Lands & Physical Planning and the National Land Commission indicated that Chenze Ranch measures approximately 32, 000 hectares, only 21,879 hectares were allocated to the three groups as indicated in (2) above. Therefore, no evidence was availed to the Committee indicating how the balance of 10,121 hectares was allocated.
- IV. The Committee did not find any evidence to confirm the assertion made by the Petitioners that the entire Chenze Ranch measuring approximately 32, 000 hectares was earmarked and set aside for Chenze Ranching Cooperative Society as alleged by the Petitioners.
- V. Red Bridge Farm Limited was issued with an allotment letter for LR. No. 19128 dated 4th March 1994. The firm was subsequently issued with a title for the same. However, the title was recalled by the Commissioner of Lands vide a letter Ref. 157407 dated 20th July 1994 due to procedural omissions during the Setting a part processes concerning execution of relevant forms.
- VI. Although the District Commissioner Kwale vide a letter dated 11th October, 1996 raised an objection regarding the allocation of the land in question to Red Bridge Farm Limited, the County Council of Kwale reaffirmed the allocation vide a letter Ref. CC/KWL/CONF.3/4/40 dated 17th January 1997 and another letter dated 6th April 2005.
- VII. The title deed for LR. No. 19128 was reissued to Red Bridge Farm Limited in 2005 and registered as CR 45368.
- VIII. The issuance of a lease in favour of Red Bridge Farm Limited for a 66 – year term on March 4, 1994 was subject to the company undertaking several projects for the community living in the area as indicated in the letter of offer.
- IX. Red Bridge Farm Limited was issued with a title deed for LR. No. 19128 measuring approximately 15,000 hectares and not LR. No. 19198 as indicated in the Petition.
- X. The Committee did not find any evidence to confirm that Red Bridge Farm Limited was genuinely allocated land parcel L.R No. 24030. The Committee observed that:
 - a) There was no evidence of any allotment letter issued to Red Bridge Farm Limited for LR. No. 24030.

- b) Submissions made to the Committee by the Ministry of Lands and Physical Planning indicated that the Land Reference No 24030 was for a parcel of land in Karen, Nairobi and there were no records held by the Ministry to support the registration of the title for LR. No. 24030 (CR 47637).
 - c) There was no evidence of the issuance of a Gazette Notice and the setting a part for the said parcel from trust land to private land.
 - d) Mr. Ketan Kumar Vinubhai Karania, a Director of Red Bridge Farm Limited did not submit any evidence to the Committee regarding the acquisition of the title for LR. No. 24030 by the firm.
- XI. Red Bridge Farm Limited did not undertake any development project in Kinango Constituency contrary to the conditions of the lease, despite the firm having obtained a title deed for LR. No. 19128 in 2005.
- XII. Submissions made to the Committee by the Chairperson, National Land Commission indicated that a complaint regarding the land in question lodged by the Petitioners was discussed by the Committee on Review of Grants and Dispositions of the Commission and not as a historical land injustice matter as stated in the Petition.
- XIII. The National Land Commission reviewed the grant and disposition for Chenze Ranch on 17th November 2015 and determined that no valid title exists for LR. No. 19128 and LR. No. 24030 held by Red Bridge Farm Limited and recommended the revocation of titles and expunging of the records at the Mombasa Registry for the following reasons:
- i) There was no Gazette Notice for the Setting A part of LR. No. 19128 pursuant to the Land Act and due process was not followed in the exercise.
 - ii) LR. No. 24030 is a number for a parcel of land in Nairobi.
 - iii) FR. 256/32 does not carry LR. No. 24030.
- XIV. Red Bridge Farm Ltd launched an appeal on grounds that they had not been accorded an opportunity to be heard vide a letter dated 7th January, 2019.
- XV. The submissions made to the Committee by the Chief Administrative Secretary, Ministry of Lands and Physical Planning held that Red Bridge Farm Limited genuinely obtained a title deed for LR. No. 19128, contradicting the determination made by the National Land Commission that no valid title exists for LR. No. 19128 and LR. No. 24030.
- XVI. Submissions made to the Committee by the Chairperson, National Land Commission indicated that by the time the appeal was lodged, the mandate of the Commission to make decisions under Section 14 of the National Land Commission Act had lapsed. Further the minutes of the commission meeting held on 21st January 2019, where the said appeal was heard indicate that the Commission resolved to postpone the determination of the appeal. There were no other records held by the commission to indicate the said appeal was ever heard.
- XVII. The determination made by the National Land Commission vide a letter Ref: NLC /GEN.CORRE.VOL.VIII/ (55) dated 7th February 2018, which recommended that the

Chief Land Registrar revokes the two title deeds for LR. No. 19128 and LR. No. 24030 held by Red Bridge Farm Limited was still valid.

Recommendations

In response to the Petitioners' prayers, the Committee recommends that; -

- I. The Cabinet Secretary Ministry of Lands and Physical Planning in consultation with the County Government of Kwale does establish a Settlement Scheme on the 10121 hectares unallocated portion of Chenze Ranch to facilitate settlement of landless residents of Kinango Constituency with six (6) months of the tabling of this Report.
- II. Pursuant to the observation on paragraph 16, the Petitioners may enforce recommendation of the National Land Commission vide a letter Ref: NLC /GEN.CORRE.VOL.VIII/ (55) dated 7th February, 2018, with the Chief Land Registrar, Ministry of Lands and Physical Planning in accordance with section 80 of the Land Registration Act (No. 3 of 2012).
- III. The Ethics and Anti – Corruption Commission does investigate Officers in the Ministry of Lands and Physical Planning, the National Land Commission and any other person for the possible fraudulent registration of a title deed for LR. No. 24030.
- IV. Pursuant to the provisions of section 80 of the Land Registration Act, the Ministry of Lands and Physical Planning does initiate the process of cancellation of title deed for LR. No. 24030.

MIN. NO. NA/DCS/LANDS/2020/210: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at thirty-eight minutes past eleven o'clock.

Signature

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

(Chairperson)

Date.....

2/12/2020



Approved
BWA
SNA
12/8/2020

Mr. Speaker
This is in order for
may I please
approve.
12/08/2020

THE NATIONAL ASSEMBLY (FOURTH SESSION)

PUBLIC PETITION

(No. 25 of 2020)

REGARDING IRREGULAR TRANSFER OF OWNERSHIP OF CHENZE RANCH FROM CHENZE RANCHING COOPERATIVE SOCIETY

I, the **UNDERSIGNED**, on behalf of concerned shareholders of Chenze Ranching Cooperative Society Ltd -

DRAW the attention of the House to the following: -

1. **THAT**, subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya as long as it is lawfully acquired;
2. **THAT**, at Independence, the Kenya Triangle Grazing/Hunting Block No. 24 situated in Kwale was classified as a game block and was later designated as a livestock rearing area under ranch management concept to benefit the local people and divided into several ranches, namely Kuranze Ranch, Lungalunga Ranch, Mwabeja Ranch and Chenze Ranch;
3. **THAT**, Chenze Ranch measuring approximately 32,000 ha. was earmarked and set aside for ranching for Chenze Ranch Cooperative Society registered in 1968 under Certificate No. 1786;
4. **THAT**, from 1968, the Chenze Ranching Co-operative Society embarked on what has become a complicated, frustrating and long journey towards acquisition of a Title Deed for Chenze Ranch;
5. **THAT**, in 1991, the Society was shocked when it discovered that the parcel had been irregularly registered as Parcel LR. Nos. 24030 and 19198 and Title Deeds issued to Red Bridge Ltd.;
6. **THAT**, so as to reverse the unfortunate historical injustice that had occasioned disinheriting of the local community of the said parcel, the Chenze Ranching Cooperative Society Ltd presented filed a case with the National Land Commission (NLC) in 2015;
7. **THAT**, preliminary findings by the National Land Commission revealed that all pre-requisite formalities pursued by Chenze Ranching Cooperative Society since 1968 clearly indicated that the land rightfully ought to be registered in favour of Chenze Ranching Co-operative Society as the owners and that the Land Registrar should revoke the title to **LR. 19198**;

THE NATIONAL ASSEMBLY
RECEIVED
13 AUG 2020
DIRECTOR COMMITTEE SERVICES
T: 020 271 2000

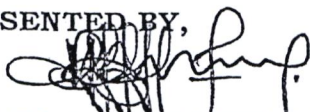
8. **THAT**, the National Land Commission declared LR. No 24030 in the name of Red Bridge Farm purportedly in Kwale County illegal since the parcel of land is in fact in Karen, Nairobi County and further declared that the illegal entry in Mombasa Registry be forthwith expunged;
9. **THAT**, the National Land Commission declared that **LR. No. 19198** should revert to the County Government of Kwale who were directed to start registration of the rightful owners of the parcel and further reserve space for public utilities and markets;
10. **THAT**, officials of Chenze Ranching Cooperative Society Ltd later discovered in 2019 that the then Vice-Chairperson of National Land Commission Ms. Abigael Mbagaya Mukolwe reneged on the Commission's minuted resolutions and purported to award Red Bridge Farm Ltd as the legal owner of Chenze Ranch under unclear circumstances in breach of the constitutional mandate of the National Land Commission;
11. **THAT**, if this injustice is not reversed, members of Chenze Cooperative Society Ltd stand the risk of being disinherited of Chenze Ranch and subjected to permanent loss of livelihoods;
12. **THAT**, the Petitioners have sought justice from various Government agencies such as the County Commissioner, the County Government of Kwale and the National Land Commission in futility;
13. **THAT**, none of the issues raised in this petition is pending in any court of law, constitutional or judicial body

THEREFORE, your humble Petitioners pray that the National Assembly through the Department Committee on Lands: -

- (a) Inquires into the issues raised in this Petition with a view to establishing the circumstances under which Chenze Ranch was irregularly subdivided and registered in favour of Red Bridge Ltd and recommends appropriate action against individuals who aided the irregular transfer;
- (b) Intervenes to cause the relevant government agencies to consider revoking both lease Title Deeds given to m/s Red Bridge Ltd for LR. No. 24030 and LR No. 19198;
- (c) Recommends that lease titles for the entire block of 32,000 hectares of land in Chenze Ranch be issued to bonafide owners; and
- (d) Makes any other recommendations that it finds fit in addressing the plight of the Petitioners.

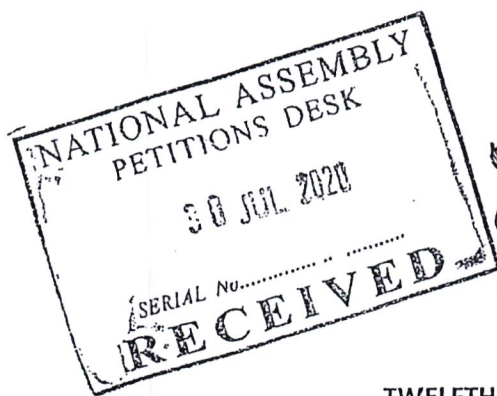
And your **PETITIONERS** will ever pray.

PRESENTED BY,



THE HON. BENJAMIN DALU STEPHEN TAYARI, MP
MEMBER FOR KINANGO CONSTITUENCY

Date:12/08/2020.....



REPUBLIC OF KENYA
TWELFTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY

PUBLIC PETITION

PUBLIC PETITION REGARDING CHENZE RANCHING COOPERATIVE SOCIETY LIMITED.

I, the undersigned, on behalf of Chenze Ranching Co-operate Society LTD

DRAW the attention of the House to the following: -

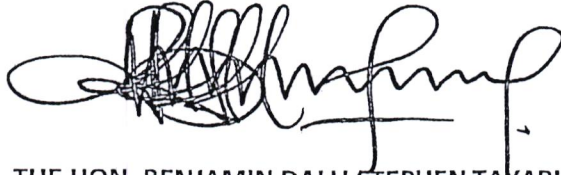
1. **THAT**, land ownership is a prerequisite factor of production and wealth creation in this Country. Land title deed is the fundamental legal document to land ownership.
2. **THAT**, tilling, grazing and conservation of land are the highest prioritization individual and communal development
3. **THAT**, the *Kenya Triangle Grazing/Hunting Block No.24* in the pre-independence days, was classified as a game block. At independence it was designated as a livestock rearing area under the ranch management concept to benefit the local people.
4. **THAT**, in the early sixties this hunting block was divided into several ranches namely Kuranze Ranch, Lungalunga Ranch, Mwabeja Ranch and Chenze Ranch.
5. **THAT**, CHENZE RANCHING CO-OPERATIVE SOCIETY LTD. was registered under certificate **No.1786**, by the local community in 1968.
6. **THAT**, notwithstanding, all the complications and intrigues, Chenze Ranch was eventually earmarked and set aside for Chenze Ranch Co-operative Society for ranching purposes.
7. **THAT**, the complicated and long journey to the acquisition of the Title Deed as shown in the various attachments started in 1968.
8. **THAT**, the process involving applying to various governments agencies was unfortunately frustrated in 1991 when the said land referred was given to Red Bridge Ltd.

9. **THAT**, the determination of the Chenze Ranching Co-Operative Society LTD. To change this unfortunate, demeaning, deliberate and historical injustice culminated in the matter being presented to the National Land Commission in 2015.
10. **THAT**, indication and preliminary arguments showed clearly that the land would be given to Chenze Ranching Co-operative Society as all pre-requisite formalities had indicated so.
11. **THAT**, during their meeting of inquiries/investigations held on *Minutes 4/28/Nov. 2018 - RED BRIDGE FARM LR/191123 & amp; 24030*, after deliberations on the matter The Commission recommended: -
- (a) The Land Registrar should revoke the title to *LR. 19198* for non-payment of all statutory fees and lack of observing special conditions and due to the fact that the owner is not on the ground. The area is heavily populated by pastoralists and subsistence farmers and with much public infrastructure and permanent human settlements.
- (b) LR. No 24030 belonging to Red Bridge Farm purportedly in Kwale County is hereby declared illegal because no such number exists in survey records. Infact, *Parcel No. LR.24030* is in Karen, Nairobi. The illegal entry in Mombasa Registry should be expunged. The area remains a community land.
- (c) *LR. No. 19128* should revert to the County Government of Kwale who are hereby directed to start documentation of the rightful owners of the land and reserve space for public utilities and markets.
12. **THAT**, to the astonishment of the Chenze Ranching Co-Operative Society LTD. in their final recommendation, the National Land Commission, awarded Red Bridge as the legal owner notwithstanding all the gross anomalies (Hon. Tayari please to indicate the decision of the land commission).
13. **THAT**, the petitioners have sort justice from various Government agencies such as County commission, the county government of Kwale and the National Land commission but all has been futile as the attached documents show.
14. **THAT**, none of the issues raised in this petition are pending in any court of law, constitutional or judicial body, therefore, your humble petitioners pray that the National assembly through the department committee on land: -
- (a) Intervenes to cause the relevant government agencies to nullify both Title Deeds given to Red Bridge for 50 years.
- (b) Recommends that lease titles for the entire block of 32,000 hectares be issued to Chenze Ranching Co-cooperate Society LTD the legal owners.
- (c) Recommends that those who might have been involved in the illegal issuance of the title deeds be prosecuted.

(d) Recommends that the committee makes any other recommendations that finds fit in support of the petition.

And your PETITIONERS will ever pray.

PRESENTED BY,

A handwritten signature in black ink, appearing to read 'Benjamin Dalu Stephen Tayari', written in a cursive style.

THE HON. BENJAMIN DALU STEPHEN TAYARI, MP
MEMBER FOR KINANGO CONSTITUENCY

30th July 2020

PUBLIC PETITION

**REGARDING THE CHENZE RANCHING COOPERATIVE SOCIETY
LIMITED IN KINANGO CONSTITUENCY.**

S/No	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	MDUNE Julia Nyong'o	11872325	0720482751	<i>[Signature]</i>
2.	AZIZ E. KHAN	0966421	072295327	<i>[Signature]</i>
3.	HAMISI MWACHAI	0135494	0722759415	<i>[Signature]</i>
4.	MBWANA A. WARRAKAH	3167683	0714968860	<i>[Signature]</i>
5.	SEIF BENDERA ROCKY	0464146	0722346238	<i>[Signature]</i>
6.	KAUCHI A. CHIVUMBE	0464123	0721203752	<i>[Signature]</i>
7.	SALIM SAID MWAYOGWE	6749511	0722501791	<i>[Signature]</i>
8.	FRANCIS MUSERA NZAI	8409008	0722561819	<i>[Signature]</i>
9.	MODIE MWADAMA	3327176	0721645266	<i>[Signature]</i>
10.	ABBAS K. CHAPPA	2208135	0721262223	<i>[Signature]</i>
11.	JOSEPH A. MBOE	1871203	0729494157	<i>[Signature]</i>
12.	HASSAN F. CHIDZUGA	22166532	0704290324	<i>[Signature]</i>
13.	SIMON M. CHIMERA	5466722	0702928877	<i>[Signature]</i>
14.	YUNKI V. MWAJIRANI	3612	0725154692	<i>[Signature]</i>
15.	JOYCE K. SAMSON	3162073 4620481	0721972732	<i>[Signature]</i>
16.	MEBAKARI J. KAHIRI	8421927	0721593327	<i>[Signature]</i>
17.	LORE MUKA DADA	14437627	0723532750	<i>[Signature]</i>
18.	Maula Mshila	5406253	0723904343	<i>[Signature]</i>
19.	BARARI SITI NAMUNDA	0276973	0727305410	<i>[Signature]</i>
20.	MARCY MANKEL D. MUTHUKU	12537035	0725773058	<i>[Signature]</i>

REPUBLIC OF KENYA



NATIONAL LAND COMMISSION

**RESPONSE TO PETITION REFERRED TO DEPARTMENTAL COMMITTEE
ON LANDS OF THE NATIONAL ASSEMBLY BY HON BENJAMIN DALU
STEPHEN TAYARI ON BEHALF OF THE SHAREHOLDERS OF CHENZE
RANCHING COOPERATIVE SOCIETY LIMITED REGARDING ALLEGED
ILLEGAL TRANSFER OF OWNERSHIP OF CHENZE RANCH**

BY

GERSHOM OTACHI BW' OMANWA

CHAIRMAN

13th OCTOBER 2020

INTRODUCTION

Your letter Ref: NA/DC/LANDS/2020/(072 dated 1ST.October , 2020 refers, the Departmental Committee on Lands invited the National Land Commission to prepare report on Chenze Ranching Cooperative Society Ltd on a Petition by Hon. Benjamin Dalu Stephen Tayari, MP, Member for Kinango Constituency on behalf of shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch.

Honourable Chair, we wish to respond as follows-

The petitioner avers that the Kenya Triangle Grazing/ Hunting Block No. 24 situated in Kwale was classified as a game block at independence. It was later designated as a livestock rearing area under the ranch management concept to benefit the local people and divided into several ranches namely Kuranze Ranch, Lunga Lunga Ranch, Mwabeja Ranch and Chenze Ranch.

The Petitioner claims that Chenze Ranch measuring approximately 32,000 Hectares was set aside for ranching for Chenze Ranch Cooperative Society registered in 1968 under Certificate No. 1786. In 1991, the parcel was illegally registered as Parcel L.R Nos. 24030 and 19198 and titles issued to Red Bridge Farm Limited.

A historical injustice claim over the transfer of Chenze Ranch was filed with the National Land Commission in 2015. The Petition claims that the Commission considered the matter and found the registration in favour of Red Bridge Farm Limited to be illegal and therefore directed the Registrar to revoke titles to L.R 19198 and L.R. 24030 registered in the name of Red Bridge Farm Limited.

The Petition claims that in 2019 the then vice- chairperson of the Commission reneged on the Commission's decision on the matter and reinstated Red Bridge Farm Limited as owner of properties. The Petitioners have therefore approached the National Assembly through the Committee to-

- a) Inquire into the issues raised in the petition with a view to establish the circumstances under which Chenze Ranch was irregularly subdivided in



- favour of Red Bridge Limited and recommend appropriate action against individuals who aided the irregular transfer
- b) Intervenes to cause the relevant Government agencies to consider revoking both lease title deeds given to Red Bridge Limited for L.R No. 24030 and L.R No. 19198
 - c) Recommends that lease titles for the entire block of 32,000 Hectares of land in Chenze Ranch be issued to bonafide owners
 - d) Makes any other recommendations that it may find fit in addressing the plight of the petitioners

Honourable Chair, our response is as follows:

- 1) The land parcel known as Chenze Ranch measuring approximately 32,000 hectares falls on trust land formerly under the County Council of Kwale (now the County Government of Kwale). It is situated in Kinango sub county, Kwale County. This ranch also known as Kwale Ranch was given this name by nomadic pastoralists who always wanted to convert it into a group ranch.
- 2) During the ground visit on Thursday 1st October where the commission was represented by two of its officers in the company of members of departmental committee on Lands and CAS and officers from the Ministry of Lands and Physical Planning, it was observed that there are settlements on this land with vast areas under livestock grazing.
- 3) The same land is claimed by a company known as Red Bridge Farm Ltd.
- 4) It should be noted that the issue of Chenze Cooperative Society Ltd and Red Bridge has not been discussed by the commission as a historical land injustice matter as stated in the petition but the matter was discussed by the committee on Review of Grants and Dispositions of the Commission.
- 5) On the 17th, November, 2015 a meeting to review grants and dispositions (under Section 14 of the National Land Commission Act) of four ranches washeld in Kwale under the Chairmanship of Prof Mohammad Swazuri and attended by Kwale Governor H.E Salim Mvuria and Kwale County



Commissioner and cross section of leaders and communities from Kwale at Matuga Kenya School of Government.

The determination on Chenze Ranch then was as follows

- No valid title exists for LR.NO.19128 and LR NO.24030 (in Kwale). The issuance of the title was based on a forgery as confirmed by a letter from the Director of Surveys that LR.24030 is another number for a parcel in Nairobi. That/R 256/32 does not carry LR.24030. There is no Gazette Notice for setting a part of the space that later became LR 24030 in Kwale. Therefore the land remains as part of Kwale Community land and still forms part of a proposed group ranch to be known as Chenze Ranch. The County Government of Kwale is urged to organize the residents of this ranch into livestock cooperatives so that they could make better use of the land
- LR.NO. 19128 was not legally gazetted as having been set apart in pursuance of the Trust Land Act. Due process was not followed and therefore the title in the name of Red Bridge Farm Ltd is a nullity. The Commission recommends the revocation of this title and the expunging of the records at Mombasa Registry. Both parcels (LR 19128 and LR 24039 in Kwale) are hereby recommended for revocations and vested in the County Government of Kwale to hold in trust on behalf of the people resident in the area.
- The Commission received an appeal from Red Bridge Farm Ltd that they had not been given an opportunity to be heard (see letter from PK Kibet Advocate REF.PK/CONV/076/2018 DATED 7/01/2019 ANNEX 2).

The Appeal was not dealt with.

It will be noted, however, that at the time of the Appeal, the five-year mandate of the Commission to entertain and make decisions under section 14 of the National Land Commission Act had lapsed .




2.RESPONSE ON PETITION FOR SAFEGUARDING PUBLIC INTEREST IN THE USE OF GITUAMBA LAND IN KINYONA WARD OF MURANG'A COUNTY (KINYONA/LOC/2/786)

The above petition was presented in Parliament by Hon Sabina Wanjiru Maitu Chege MP Member for Murang'a County dated 7th September 2020.

The petition is about the safeguarding of public interest in the use of Gituamba Land in Kinyona Ward of Murang'a County.

RESPONSE

Hon. Chair ,the Commission requests for more time to be able to visit the ground and compile a ground status report in response to this petition.

 13th October 2020
GERSHOM OTACHI BW'OMANWA
CHAIRMAN

ANNEX 1

F/C



OFFICE OF THE VICE CHAIRPERSON

Telegrams: "MINILANDS", Nairobi

Telephone: Nairobi 2718050

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

Ref: NLC/GEN.CORRE.VOL.VIII/(55)

Date: 7th February, 2018

The Chief Land Registrar,
Ministry of Lands and Physical Planning,
Ardhi House,
NAIROBI.

**RE: DETERMINATION FOR REVIEW OF GRANTS AND DISPOSITION OF PUBLIC
LAND KWALE COUNTY**

The National Land Commission is a Constitutional Commission established under Article 67 of the Constitution of Kenya 2010, and operationalized by the National Land Commission Act, 2012. Its many functions include the management and administration of public land on behalf of the National and County Governments.

Pursuant to article 68 (c) (v) of the Constitution of Kenya, 2010, and Section 14 (now repealed) of the National Land Commission Act, 2012, the Commission shall, on its own motion or upon a complaint by the National or County Governments, a community or an individual, review all grants or dispositions of public land to establish their propriety or legality. Section 6 (2) of the National Land Commission Act, 2012, gives the Commission powers to:

- (a) gather, by such means as it considers appropriate, any relevant information including requisition of reports, records, documents or any information from any source, including any state organ, and to compel the production of such information where it considers necessary;
- (b) hold inquires for the purposes of performing its functions under this Act;
- (c) take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60 (1) of the Constitution.

Section 6(3) of the National Land Commission Act, 2012, further empowers the Commission to discharge its function in the following manners;

- a) may inform itself in such manner as it may consider necessary;
- b) may receive written or oral statements; and
- c) is not bound by the strict rules of evidence.

On 17th November, 2015, a meeting to review grants and dispositions of four ranches in Lunga Lunga and Kinango Sub-Counties of Kwale County, and other parcels around Matuga Sub-County was held under the Chairmanship of Prof. Swazuri, the Chairman of the National Land Commission. In attendance also were representatives of Kwale County Government led by the Governor, H.E. Salim Mvurya, the Kwale County Commissioner, and three Commissioners from NLC, besides a cross-section of the Communities of Kwale County. The meeting was held at Matuga Kenya School of Government.

Having heard from all parties, perused the records held at the offices of the County Government of Kwale, studied the Survey records at the Survey Field Headquarters in Ruaraka, consulted the Coast Registry in Mombasa, the Commission is satisfied that adequate information have been gathered to make an informed decision. The following is the Commission's determination:

1. No valid title exists for LR. 19128 and LR. 24030 (in Kwale). These are forgeries as confirmed by the letter from the Director of Surveys. LR. 24030 is a number for a parcel in Nairobi. F/R. 256/32 does not carry LR. 24030. There is no Gazette Notice for the Setting Apart of the space that later became LR. 24030 (in Kwale). That therefore remains as part of Kwale community land and still forms part of a proposed Group Ranch to be known as Chenze Ranch. The County Government of Kwale is urged to organize the residents of this ranch into livestock cooperatives so that they could make better use of the land.

LR. 19128 was not legally gazetted as having being set apart in pursuance of the Trust Land Act. Due process was not followed and therefore the title in the name of Red Bridge Farm Limited is a nullity. The Commission recommends the revocation of this title and the expunging of the records at Mombasa Registry. Both parcels (LR. 19128 and LR. 24030 in Kwale) are hereby recommended for revocations, and vested in the County Government of Kwale to hold in trust on behalf of the people resident in the area.

However, the parcel files that were missing for a long time suddenly resurfaced after the determination was made and the Commission has decided to hold off the implementation of this determination until further information was obtained from both the County Government of Kwale and the Ministry of Lands

and Physical Planning. A letter to request for those information have been sent to both institutions and a response is anticipated soon.

2. No valid title was ever created for LR. 14210. The initial allocation to Kenya Triangle Ranch was withdrawn by the Commissioner of Lands after 10 years of non-acceptance of the allocation. Subsequent "allocation" to Kuranze Group Ranch cannot be supported by documentation, and the source of title to this group cannot be verified. There is no records to show that any statutory payments have been made to either the County government of Kwale or the Commissioner of Lands. Although the proprietors of Kuranze Group Ranch insist that their name is only a "business name", and does not in any way indicate the existence of a group to form a ranch in accordance with Group Representatives Act (now repealed), the claimants do not actually exist on the ground, and the pastoralists grazing on the land are subjected to some form of extortion and threats of eviction if they do not pay annual rent. The pastoralists have now petitioned the County government of Kwale, the Ministry of Lands and Physical Planning and the National Land Commission to come to their rescue and formalize their occupation of the land.

The Commission recommends that the tract of land known as LR. 14210 be petitioned in the following manner:

- (a) Allocate 8,000 ha. of land to the Kenya Defence Force (KDF) for use as a training ground. A further 2,000 ha. should be excised from LR. 19128 for use as a military camp. An application by KDF for such consideration is filed herewith, as is the recommendation of the County Government of Kwale. The KDF have visited the area together with the County Government and some form of acceptance have been solicited from the communities living there. The terrain of the land is the most suitable for training purposes, and the military insists that they need such a facility in this part of the country. The reason for the separation of the camp and the training ground is a purely technical and legal consideration. International law requires a military base to be moved away from the vicinity of an international boundary.
- (b) Identify an area around Kuranze village for setting aside for the County Government of Kwale to develop as a trading centre, and setting aside land for service provisions like schools and health centres.
- (c) Identify, with the help of Kenya Wildlife Services, a wildlife migratory corridor of appropriate size and location. An establishment of conservancy would be the most appropriate consideration for this area.
- (d) The rest of the land to be registered as community land for the benefit of the pastoralist communities in the areas. An alternative way to protect the nomadic pastoralists would be to form them into livestock Co-operatives.

3. The Lease for LR. 14211 has only about four (4) years to its expiry. The conditions of the 45 year lease has been grossly violated by non-payment of fees and charges, non-use of the ranch for the intended purpose, and the abandoning of the original idea of livestock ranching. Non-use of the land has led to the flooding of the ranch by squatters, poachers and charcoal burners. There has been attempts at subdividing the land with serious security breaches emanating from illegal sales of pieces of the ranch to speculators from outside the area.

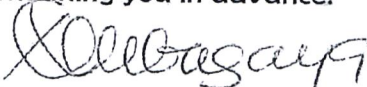
There has also been heavy public investments in form of roads, health centres, schools and other public infrastructure. The County government of Kwale is urged to step in and take possession of this vast ranch and secure it from illegal subdivisions and potential environmental degradation.

4. The County government of Kwale, in consultation, coordination and collaboration with NLC and National government, should organize the communities in the Greater Triangle area into Livestock Cooperative Societies for the better management and protection of the land and to make it productive and add to the economy of the County.

This is therefore to request you to implement those resolutions and recommendations and amend your register accordingly.

The deliberations and minutes of the meetings are attached herewith.

Thanking you in advance.


ABIGAE MBAGAYA MUKOLWE (MRS.)
VICE- CHAIRPERSON
NATIONAL LAND COMMISSION

Copy to:

Principal Secretary, Ministry of Lands & Physical Planning
Comm. Abdulkadir Khalif, Convener
Ag. CEO/Secretary, National Land Commission (NLC)
The CECM, Lands – Kwale County
County Commissioner – Kwale County
NLC Coordinator – Kwale County

ANNEX 2

Our Ref: PK/CONV/076/2018

Your Ref: NLC/KWALE/2

Date: 7/01/2019

The Vice Chairman
The National Land Commission,
1st Ngong Avenue,
Off Ngong Road,
P.O.Box 44417-00100,
Nairobi

07 JAN 2019

Dear Madam.


RE: LR No. 19128-(KWALE) RED BRIDGE FARM LIMITED

We refer to the above matter and the correspondences resting on ours dated 26th October 2018. The correspondences referred to herein above were prompted by the Commission's letter dated 10th April 2018 in which the Commission requested the Principal Land Registrar/ Mombasa registry, to restrict any transaction on the above Title among others, until it concludes a review of its Grant and disposition.

Whereas we do not know how far the Commission has gone with its review of the Grant, we are constrained to request that the Commission defers any recommendation that may Adversely affect the above Title. In the alternative, that the Commission makes a recommendation that clears the above Title. The request is premised on the following grounds:

1. The proprietor of the land has not been given audience by the Commission at all.
 2. The proprietor of the above land acquired the parcel through legal and a thorough process.
 3. The Title and other associated documents relating to the above parcel of land are and have been confirmed to be genuine.
- It is on the basis of the above grounds that we kindly seek a favorable clearance from the Commission.

Yours faithfully.


P.K. KIBET
ADVOCATE.

NATIONAL LAND COMMISSION
KWALELE COUNTY OFFICE

Ref: KWL/NLC/GRANTS REVIEWS/VOL.1/1.

COUNTY COORDINATOR,
P.O BOX 17 -80403,

KWALE.
TEL: 0722679614

THE PRINCIPAL LAND REGISTRAR
MOMBASA REGISTRY,
P.O.BOX.
MOMBASA.

E-mail: Kalume.kashuru@landcommission.go.ke
10th April, 2018.

REF. REVIEW OF GRANTS AND DISPOSITIONS OF PUBLIC LAND.

The National Land Commission is established under Article 67 of the Constitution of Kenya 2010. Its functions include the management of public land on behalf of the national and county governments.

Under section 14 of the National Land Commission Act, 2012, the Commission is mandate to, on its own motion or upon complaint by the national or a county government, a community or an individual, review all grants and dispositions (titles to public land) to establish their propriety or legality.

The Commission has received numerous complaints regarding the legality some grants and dispositions. In line with Section 6 and 14 of the National Land Commission Act, 2012, the Commission is in the process of reviewing the following grants and dispositions.

1. LR.14210 - Kenya Triangle/Kuranze Group Ranch. *CR-35790*
2. LR.14211 - Lunga Lunga Ranching (DA) Company LTD. - *CR 23616* ✓
3. LR. 19128 - Kwale (Chenze) Ranch.
4. LR. 24030 - Mijikenda Ranching Cooperative Society. - *CR 47637 (vol)*.

This is, therefore, to request your office to Caution/Restrict these titles until such a time the Commission completes reviewing them.

Yours faithfully,



Kalume Kashuru
National Land Commission County Coordinator,
Kwale County,

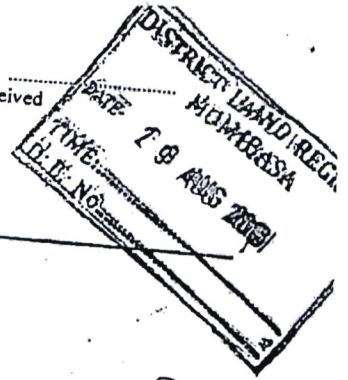
For: Chairman; National Land Commission.

- Cc. Chairman; National Land Commission.
Commissioner A. Khalif; Convening Commissioner - Kwale County (As per your advice & direction).
CEO; National Land Commission.

Mr Mwandine pls bring up the deed files
[Signature]
28.4.18

Form C-The Trustees (Perpetual Succession Chapter 164) Act
Form Y-Registration of Title Act (Chapter 281), Rule 3
Form J-Government Lands Act (Chapter 280), Rule 2
Form J-Land Titles Act (Chapter 282), Rule 3
Form C-Registration of Documents Act (Chapter 285) Rule 2

No. _____
Received



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(CAP 281)

APPLICATION FOR COPY

TO: THE REGISTRAR,

LAND REGISTRY, NAIROBI/MOMBASA

Our Reference: _____

I/ we request you to supply certified copies of the following:

CK. 45368

L.R. NO. 19128

PARTICULARS OF THE APPLICANT/ADVOCATE:

Full Names WINNIE NYAMAI & CO. ADV. Signature [Signature]
Identity Card Number/Passport (Attach copy) _____
Personal Identification Number (Attach copy) _____
Postal Address P.O. Box 8391 - 00200 NAIROBI
Telephone (Office): 0720352457 Cellphone: _____
Purpose of search To know the particulars
Owner of property RGD BRIDGE FARM LIMITED
Proposed purchaser of property _____
Advocate /Agent WINNIE NYAMAI & CO. ADV. WINNIE NYAMAI & CO
ADVOCATES
P.O. Box 8391-00200,
NAIROBI

Adhesive revenue stamps at the rate of KSh. 520 (Five hundred and twenty only) per certified copy are pinned to this application to meet the stamp duty payable thereon.

Date this 8th day of AUGUST 2016

REGISTRATION OF TITLES ACT

(CHAPTER 281)

ANNEX 3

CERTIFICATE OF POSTAL SEARCH AS ON 26TH JULY 2010

PLOT NUMBER: 19128 S.E. of Voi Municipality in Taita and Kwale


TITLE NUMBER: CR. 45358

AREA: 15000 HECTARES

TENURE: LEASEHOLD - TERM: 66 YEARS
FROM: 1.3.1994
RENT: KSHS. 360,000/= For the First 10 YEARS AND
KSHS. 600,000/= thereafter.

REGISTERED OWNER: RED BRIDGE FARM LIMITED

ENCUMBRANCES: NIL


REGISTRAR OF TITLES
R. M. INGONGA 210

The Vice Chairperson
NATIONAL LAND COMMISSION

RE: RED BRIDGE FARM LIMITED – KWALE DISTRICT

The above mentioned land was allocated to Red Bridge Farm Ltd vide a letter of allotment dated 4th March, 1994 – See Folio (3). The Ranch measures 15,000 Ha. The allocation was after Setting Apart since this was Trust Land.

The legal fees was paid for vide receipt No. C – 828389 dated 21st March, 1994 and a grant was prepared and sent to Mombasa Land Registry and registered as C.R. No. 25484.

However, it later transpired that during the process of Setting Apart the land, one procedure, that is the signing of the relevant forms was inadvertently omitted. As a result, Red Bridge Farm was requested by the Commissioner of Lands to surrender the title so that the right procedure could be followed. – See Folio (26). The allottee complied and the Surrender of the title was duly registered.

The other reason why the Commissioner of Lands requested for the title to be surrendered was that during the process of first allocation to Red Bridge Farm Limited, the local leaders felt that they had not been consulted before the allocation was made.

After the surrender of the title was done, a fresh process for the Setting Apart and consultations with local leaders was initiated and successfully done and the completed setting apart forms were forwarded to the Commissioner of Lands – See Folios 34, 61, 67,84, 90 –92, 95, 98, 99 and 193.

The County Council of Kwale in their recommendation stated that at a meeting of the Council held on the 1st December, 1993, apart from endorsing reallocation to Red Bridge Farm Limited, it also recommended allocation to Chenze Ranch and Mbita village residents (for their exclusive use) to ensure fair play on the part of the Council. The approval for allocation was distributed as follows:-

- | | |
|---------------------|------------|
| (a) Red Bridge Farm | 15,000 Ha. |
| (b) Chenze Ranch | 4,856 Ha. |
| (c) Mbita Village | 2,023 Ha. |
- (Residents for their exclusive use).

The then Minister for Lands and Housing gave his direction at folio - (166) which persuaded the then Commissioner of Lands to write to the County Council of Kwale at Folio - (172). But the County Council reiterated their earlier stand at Folio - (193) which actually led to the reinstatement of Red Bridge Farm Limited title which was then registered as C.R. No. 45368.

However, it is not clear as to whether the parcels which were allocated to Chenze Ranch and Mbita Village Residents were ever documented.


OTIENO APPIDA
PLAO

18/12/2018

ANNEX A

D/E



OFFICE OF THE VICE CHAIRPERSON

Telegrams: "MINILANDS", Nairobi

Telephone: Nairobi 2718050

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

Ref: NLC/GEN. CORRE. /VOL. VIII (64)

Date: 7th February, 2019

H.E The Governor
County Government of Kwale
KWALE.

Principal Secretary
Ministry of Lands & Physical Planning
NAIROBI.

The Land Registrar
MOMBASA.

Thro

The Chief Land Registrar
Ministry of Lands & Physical Planning
Ardhi House
NAIROBI.

Dear Sirs

RE: LR NO. 19128 AND LR NO. 24030-RED BRIDGE FARM.

I refer to the above subject matter.

The Commission carried out inquiries on the above matters in Kwale from 26th to 30th November, 2018.

A decision was reached by the Commission vide our meeting held on the 28th November, 2018 at the Sunrise Resort, Mombasa had recommended to the Chief Land Registrar to revoke the said titles.

However, the Commission received an appeal from Red Bridge Farm Limited that they had not been given an opportunity to be heard. In addition to the above, the Commission received additional information regarding the same property from the Ministry of Lands and Physical Planning that it may have been properly acquired. An official search of the property was also provided to the Commission.

As a result of the above, the Commission at a meeting held on 21st January, 2019 at the ACK Annex Building, 7th Floor Boardroom in Nairobi, resolved to defer/set aside its earlier decision in that matter.

The purpose of this letter is to notify you the decision of the Commission on the matter.

We will notify you of any changes in due course. Copies of both sets of minutes enclosed for your information.

Yours faithfully



**ABIGAELE MBAGAYA MUKOLWE (MRS.)
VICE CHAIRPERSON & HEAD OF REVIEW OF GRANTS & DISPOSITIONS
FOR: CHAIRMAN, NATIONAL LAND COMMISSION**



MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

Honourable Chair, Pursuant to a letter Ref: NA/DC/LANDS/2019/(057) dated September 1, 2020, the Departmental Committee on Lands invited the Cabinet Secretary Ministry of Lands and Physical Planning to respond to-

1. Petition by Hon. Benjamin Dalu Stephen Tayari, MP, Member for Kinango Constituency on behalf of shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch.
2. Question No. 174/2020 by the Member for Kisauni Constituency, Hon. Ali Menza Mbogo, M.P regarding the current status of the ownership of Plots Nos. 224/2, 225/2 and 62/11/MN in Mto Panga Ward, Kisauni Constituency.

Honourable Chair, we wish to respond as follows-

1. Petition by Hon. Benjamin Dalu Stephen Tayari, MP, Member for Kinango Constituency on behalf of shareholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch.

The petition avers that the Kenya Triangle Grazing/ Hunting Block No. 24 situated in Kwale was classified as a game block at independence. That it was later designated as a livestock rearing area under the ranch management concept to benefit the local people and divided into several ranches namely Kuranze Ranch, Lungalunga Ranch, Mwabeja Ranch and Chenze Ranch.

The Petition claims that Chenze Ranch measuring approximately 32,000 Hectares was set aside for ranching for Chenze Ranch Cooperative Society registered in 1968 under Certificate No. 1786. In 1991, the parcel was illegally registered as Parcel L.R Nos. 19198 and 24030 and titles issued to Red Bridge Farm Limited.

A historical injustice claim over the transfer of Chenze Ranch was filed with the National Land Commission in 2015. The Petition claims that the Commission considered the matter and found the registration in favour of Red Bridge Farm Limited to be fraudulent and therefore directed the Registrar to revoke titles to L.R 19198 and L.R. 24030 registered in the name of Red Bridge Farm Limited.

The Petition claims that in 2019 the then vice- chairperson of the Commission reneged on the Commission's decision on the matter and reinstated Red Bridge Farm Limited as owner of properties. The Petitioners have therefore approached the National Assembly through the Committee to-

- a) Inquire into the issues raised in the petition with a view to establish the circumstances under which Chenze Ranch was irregularly subdivided in favour of Red Bridge Limited and recommend appropriate action against individuals who aided the irregular transfer.
- b) Intervenes to cause the relevant Government agencies to consider revoking both lease title deeds given to Red Bridge Limited for L.R No. 24030 and L.R No. 19198.
- c) Recommends that lease titles for the entire block of 32,000 Hectares of land in Chenze Ranch be issued to bonafide owners.
- d) Makes any other recommendations that it may find fit in addressing the plight of the petitioners.

Response

Honourable Chair, the land parcel known as Chenze Ranch measuring approximately 32,000 hectares was trust land formerly under the County Council of Kwale (now the County Government of Kwale). It is situated in Kinango sub county, Kwale County.

The then County Council of Kwale vide a letter Ref. CC/KWI/CONF.3/4/ (33) dated March 12, 1996 (**Annexure 1**) requested the Commissioner of Lands to allocate Chenze Ranch as follows:

- 1) 15,000 hectares to Red Bridge Farm
- 2) 4,856 hectares to Chenze Ranch
- 3) 2,023 hectares to Mbita village

The letter also recommended setting apart of the three portions so as to convert them from trust land to private land. A copy of the proposed subdivision scheme plan is marked **Annexure 2**). The 15,000-hectare portion was set apart vide Gazette Notice No. 187 of January 14, 1994 (**Annexure 3**). Issuance of a Lease in favour of Red Bridge Farm was subject to the company undertaking a number of projects for the community living in the area as indicated in the letter.

A letter of allotment dated March 4, 1994 (**Annexure 4**) was issued to Red Bridge Farm for a 66 years term with effect from March 1, 1994. Red Bridge Farm paid the requisite fees (**Annexure 5**) and the land was issued L.R. No. 19128 upon survey (and not L.R. No. 19198 as stated in the petition). A title for the plot was subsequently prepared and forwarded for registration by the then Commissioner of Lands vide his letter Ref. 157407/12 dated April 19, 1994. (**Annexure 6**)

According to our records, there was a procedural omission during the setting apart process concerning execution of relevant forms as per the Commissioner of Lands letter Ref. 157407/(6) dated July 20, 1994 and a letter from the County Council of Kwale Ref. CC/CONF 3/4/23 dated October 11, 1994 marked (**Annexures 7a & b**). The title issued to Red Bridge Farm was recalled and surrendered as shown in the letter by the Commissioner of Lands Ref. 157407/(10) dated December 2, 1994 (**Annexure 8**).

The District Commissioner, Kwale vide a letter Ref. no. SF/LND/1/A/39 dated October 11, 1996 informed the Commissioner of Lands that the local community had raised objections to the allocation to Red Bridge Farm (**Annexure 9**). However, the County Council of Kwale in a letter Ref. no. CC/KWL/CONF.3/4/40 dated January 17, 1997 reaffirmed the allocation to Red Bridge Farm (**Annexure 10**).

The Commissioner of Lands vide a letter Ref.157407/54 dated April 6, 2005 referred the matter back to Kwale County Council to determine the issue of ownership of the land (**Annexure 11**). The County Council of Kwale responded vide a letter Ref. CC/KWL/VET. 23/6 VOL.I/(63) dated May 16, 2008 reaffirming its position on the allocation to Red Bridge Farm advising that the area (Kinango) needed to open up to investors (**Annexure 12**). The title in favor of Red Bridge Farm Limited was reissued in 2007 and registered as CR 45368 (**Annexure 13**).

Honourable Chair, we have no records to support registration of the title C.R. No. 47637 (L.R. No. 24030) (**Annexure 14**) issued to Red Bridge Farm limited. According to our records, L.R. No. 24030 relates to a land parcel in Nairobi as reflected on F/R 346/147.

The dispute over ownership of the land was subject of review by the National Land Commission. The Commission made a determination dated January 21, 2019, which found titles to both L.R. Nos. 19128 and 24030 to be forgeries. The Commission thus recommended revocation of the two titles (**Annexure 15**).The commission reversed its decision to revoke the titles vide a letter Ref. NLC/GEN.CORRE./VOL.VIII (64) dated February 7, 2019 (**Annexure 16**).

Honourable Chair, the Ministry is available to provide any further information required by the Committee.

2. Question No. 174/2020 by the Member for Kisauni Constituency, Hon. Ali Menza Mbogo, M.P regarding the current status of the ownership of Plots Nos. 224/2, 225/2 and 62/11/MN in Mto Panga Ward, Kisauni Constituency

Honourable Chair, the ownership details requested are as follows;

S/No.	Parcel Number	Size & Tenure	Ownership
1.	Plot no. 224/2 (C.R. No. 1475)	76.05 Acres Freehold	<ul style="list-style-type: none"> • The parcel was first registered in favour of Christian Jensen of Nguuru on February 8, 1922. • On November 9, 1949 it was transferred to Abdul Rahman Bin Miran. • On February 8, 1973 the parcel was transferred to the current proprietor: Mohsin Bin Saleh Sherman, Said Bin Saleh Sherman, Hussein Bin Saleh Sherman and Omar Saleh Sherman as tenants in common in equal shares. (Copy of official search is marked Annexure 17 .
2.	Plot no. 62/11/MN (C.R. 1252)	17.1 Acres Freehold	<ul style="list-style-type: none"> • The parcel was first registered in favour of Herbert Payne on October 17, 1921. • On December 22, 1960 the parcel was transferred to Edward Jackson and Stuart Norman Mathews as Trustees • On May 16, 1977 the parcel was transferred to the current owners Mombasa Municipal Council. • The Municipal Council subdivided the land and issued twenty-three (23) long term leases to various individuals as evidenced in the attached search marked Annexure 18.
3.	Plot no. 225/2		We shall provide information on the parcel soonest possible.

Honorable Chair, I submit.

A handwritten signature in black ink, appearing to read 'Farida Karoney', with a large, stylized flourish above the name.

Farida Karoney, EGH
CABINET SECRETARY

September 29, 2020

ANNEXURE I

CONFIDENTIAL
COUNTY COUNCIL OF KWALE

Telephone: Kwale 4021

When replying please quote

Ref. No. CC/KWL/CONE. 3/4/(33)
and date



SAC
This was discussed with Mpt. and soft out the adjudication area. Kwale District as an adjudication area. The CLR should be able to advise us in this respect.
18/4/96

P. O. Box 4,
KWALE, Kenya

12th March, 1996

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

Dear Sir,

SETTING APART OF LAND FOR A RANCH
RED BRIDGE FARM (15000 Ha)

You are aware of the application by Red Bridge Farm to be leased a 15000 Ha piece of land for ranching purposes in Kwale District. The subject piece of land is situated in Kinango Division and is entirely trust land. The trust land in question comprises a piece of land measuring 32,000 Ha. At a meeting of the Council held on 1st December 1993 the Council considered the above applicant along with others and distributed allocation along the following lines:-

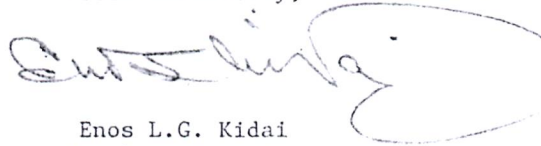
- (a) Red Bridge Farm - 15000 Ha.
- (b) Chenze Ranch - ~~12000~~ Ha. 4, 856 Hec.
- (c) Mbita Village residents (for their exclusive use) - ~~5000~~ Ha. 2,023 Ha.

The Council spelt out certain conditions to be met by the allottees before the (66 years) lease is effected. Misunderstandings cropped up which culminated in the shelving of the letter of allotment by you. Ever since communication between the applicants (Red Bridge Farm Ltd.) and the Council resumed. There has been assurance to the effect that no contemplated sale will be effected by the applicants. Besides, in their letter dated 26th September 1995 the applicants (Red Bridge Farm Ltd.) have pledged to undertake a number of projects for the community living around the project area. These include rehabilitation of the Ndavaya Road; rehabilitation of the Ndavaya Borehole and re-cooping of the Dam; construction of 4 No. classrooms for the Primary School and also construction of either a library or laboratory block in the secondary school in the area. In light of these very tangible undertakings by the applicants and moreso after consultations with the area M.P., it was decided that the setting apart forms can be filled and duly signed. Enclosed herewith please find the same duly signed as by procedure required. Minutes of the Council in support of this are also enclosed.

It is the wish of the Council that the setting apart of Chenze Ranch (12000 Ha.) and Mbita Village (5000 Ha.) should also be effected to ensure fair play on the part of the Council.

CONFIDENTIAL

Yours faithfully,



Enos L.G. Kidai
Clerk to Council

c.c.

The District Commissioner
Kwale District
P.O. Box 1
KWALE

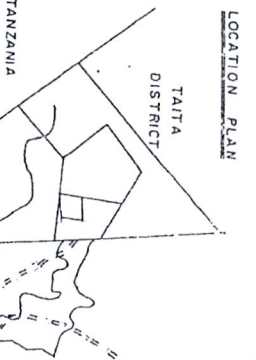
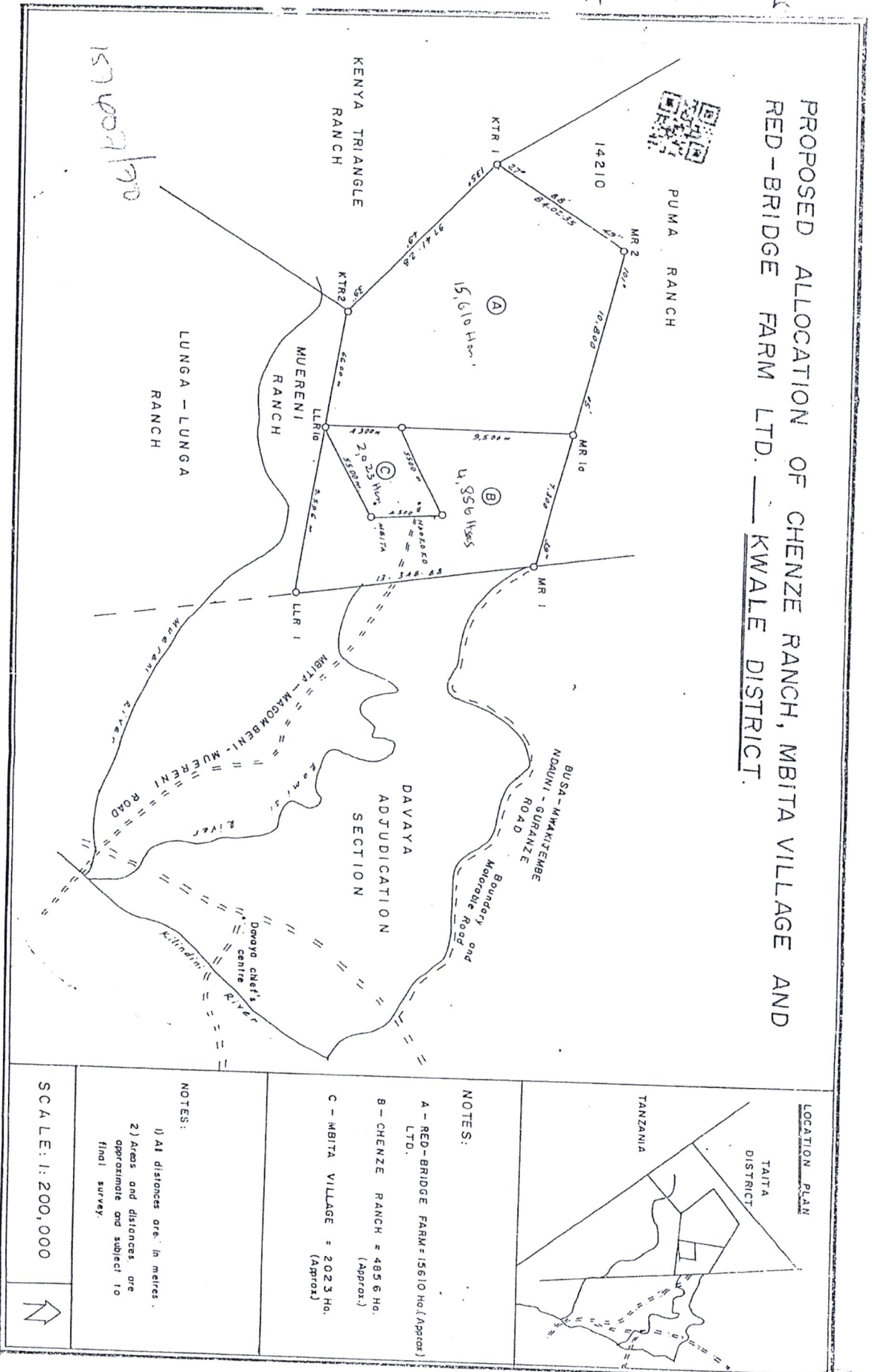
Encl.

ELGLK/fbg.

157407 168

ANNEXURE R

PROPOSED ALLOCATION OF CHENZE RANCH, MBITA VILLAGE AND RED-BRIDGE FARM LTD. — KWALE DISTRICT.



NOTES:

- A - RED-BRIDGE FARM = 15,610 Ha. (Approx) LTD.
- B - CHENZE RANCH = 4,856 Ha. (Approx.)
- C - MBITA VILLAGE = 2,023 Ha. (Approx)

NOTES:

- 1) All distances are in metres.
- 2) Areas and distances are approximate and subject to final survey.

SCALE: 1:200,000



Handwritten initials or signature in the bottom right corner.

GAZETTE NOTICE No. 182

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE LAMU TRADE DEVELOPMENT JOINT BOARD

APPOINTMENT OF MEMBERS

IN EXERCISE of the powers conferred by section 3 of the Local Government (Lamu Trade Development Joint Board) Order, 1966, the County Council of Lamu, appoints—

Cllr. Abdalla Fachil,

Cllr. Said M. Famau,

Cllr. Abbas Sheikhuna,

to be members of the Lamu Trade Development Joint Loan Board.

Dated the 4th January, 1994.

A. N. ALI,
Clerk to Council.

GAZETTE NOTICE No. 183

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE COUNTY COUNCIL OF LAMU

APPROVAL OF BY-LAWS

IN ACCORDANCE with section 205 (f) of the Local Government Act, notice is given that the County Council of Lamu (Public Markets) (Amendment) By-laws, 1991, were approved by the Minister for Local Government, on 14th October, 1992, and shall come into force in the area of jurisdiction of the council on the date of publication of this notice.

Dated the 13th September, 1993.

A. N. ALI,
Clerk to Council.

GAZETTE NOTICE No. 184

THE VALUATION FOR RATING ACT

(Cap. 266)

THE MUNICIPAL COUNCIL OF KISUMU

1992 DRAFT PRIVATE LAND VALUATION ROLL

Notice of Valuation Court

NOTICE is given that arising from objections raised against entries appearing in the 1992 Draft Private Land Valuation Roll for Kisumu Municipal Council, a valuation court has been set up to determine the said objection in accordance to the provisions of the Valuation for Rating Act.

It is further notified that the said valuation court will begin its sessions on Monday, 10th January, 1994, at 9 a.m. in the Council Chamber, Town Hall.

Individual objectors who had lodged their objections with the town clerk within the statutory period will receive notices of the court through their last known addresses. Any objector who does not receive a notice within seven (7) days from the date of this notice is advised to contact the council urgently in respect of the same.

Dated the 22nd December, 1993.

J. O. ONG'ELE,
Acting Town Clerk.

GAZETTE NOTICE No. 185

THE REGISTRATION OF TITLES ACT

(Cap. 281, section 71)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Abdullhusein Mamujee (deceased), is registered proprietor as lessee of that piece of land known as subdivision No. 62, section VII (old No. 1149), Mombasa Island within Mombasa Municipality in Mombasa District, held by a certificate of title registered as C.R. 7907/1, and whereas sufficient evidence has been adduced to show that the said certificate of title registered as C.R. 7907/1, is lost, notice is given that I shall issue a provisional certificate at the expiration of ninety (90) days from the date hereof unless a written objection is received within that period.

Dated the 14th January, 1994.

L. M. MUTTIMOS,
Senior Registrar of Titles, Mombasa.

GAZETTE NOTICE No. 186

THE REGISTRATION OF TITLES ACT

(Cap. 281, section 71)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Omar Hassan, of P.O. Box 85426, Mombasa in the Republic of Kenya, is registered proprietor in fee simple of that piece of land known as subdivision No. 697, section VI, mainland north within Mombasa Municipality in Mombasa District, held by a certificate of title registered as C.R. 2379/1, and whereas the certificate of title registered as C.R. 2379/1 issued thereof is lost, notice is given that I shall issue a provisional certificate after the expiration of ninety (90) days from the date hereof, unless a written objection is received within that period.

Dated the 14th January, 1994.

L. M. MUTTIMOS,
Senior Registrar of Titles, Mombasa.

GAZETTE NOTICE No. 187

THE TRUST LAND ACT

(Cap. 288)

SETTING APART OF LAND

NOTICE is given that the land described in the schedule hereto has been duly set apart in accordance with the provisions of part IV of the Trust Land Act, for the purposes specified in the said schedule.

SCHEDULE

Place.—Kinango.

Purpose.—Ranch.

Area.—15,000 hectares approximately.

DESCRIPTION OF LAND:

Starting from point KTR 1 which is 18,296.62 metres to the west of trigonometrical station No. 5 PK 55 then in north-easterly direction at a bearing of 207° 28' 49" for a distance of 8,370m. to point MR 2. Thence eastwards at a bearing of 281° 05' 49" and a distance of 10,800m. to point MR 1 "A". Thence southwards at a bearing of 184° 00' 00" and a distance of about 13,250 metres to point LLR 1 "A". Thence westwards at a bearing of 97° 18' 39" for a distance of about 6,600 metres to point KTR 2. Thence north-east at a bearing of 135° 49' 39" and distance of 9,741 metres to the original point KTR 1.

All bearings given above are magnetic.

A plan of the area may be inspected at the office of the District Commissioner, Kwale,

Dated the 10th January, 1994.

WILSON GACANJA,
Commissioner of Lands.

GAZETTE NOTICE No. 188

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT KERUGOYAIN THE MATTER OF THE ESTATE OF KAMUNYA
MWANGI MUBUBI ALIAS MWANGI MUBUTI

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 382 OF 1993.

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Keratina Hospital, on 25th September, 1990, has been filed in this registry by Gibson Kinyua Kamunya, of P.O. Box 227, Kerugoya, in his capacity as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 23rd December, 1993.

E. N. MAINA,
District Registrar, Kerugoya.

ANNEXOR

REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 29000

NAIROBI

19

4th March

Red Bridge Farm,
P.O. Box 22506
NAIROBI

Ref. No.

SIRS/MADAM,

RE: UHS. SITE FOR BAICH - KWALE

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: 15,000 hectares (approximately).
 TERM: 66 years from the 1.3.94
 STAND PREMIUM: Sh. Nil
 ANNUAL RENT: Sh. 360,000/- for first 10 years then Shs. 600,000/- for balance of 66 years
 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 1.3.94	31.12.94	300,000/-
Conveyancing Fees		500/-
Registration Fees		100/-
Rates	on demand	-
Stamp Duty		12,000/-
Survey Fees)	
Road and Road Drains)	
Others) on demand	
Receipt No.	Less Deposit	
	Total	312,600/-

Noted
Car by
2/3/94

*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 adjoined boundary 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

File 42973/IV/109

M. K. KARI
(M. K. KARI)
for Commissioner of Lands

Encl.

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

The Director of Surveys, Nairobi.

~~The District Commissioner~~

The Clerk to the Council, County Council of Kwale

The District Commissioner, Kwale

The Director of Physical Planning, Nairobi.

District Land Officer, Mombasa

O.C. Land Rents,

Rates Assistant

The Accountant

O.C. Records,

Senior Plan Record Officer,

Plot File.

M. K. KARI 8/4/94

28/3/94

21/3/94

All to note.

M. K. KARI

CPK:ll

CL 068547 (4) 3
157407

SALE No. _____

TRIPPLICATE

DEPARTMENT OF LANDS

C 828339

FEE RECEIPT

Station _____

21-3.5K

19 _____

Received from	NATURE OF FEE	Sh.	sts.
Real	Certificate of Title Registration		
of Bridge	Search Certificate		
from	Opening New Register		
	Attestation		
	Inspection		
	Copying		
	Conveying/Preparation	200	
Cash	Survey Fees	50	
By _____ the sum of	Rent	300,000/-	
Cheque	Stand Premium		
Shillings	Stamp Duty	2000	
	Land Adjudication Fees	157400	15
As per marginal statement nature of transaction	Deposits		
hs site	DOCUMENT IS STAMPED 192000 CERT. NO. 157407 19.4.94		
Title Number	DATE 19.4.94		
for COMMISSIONER OF LANDS	TOTAL KSh 312000		



cauld
a. 18/4/94

see
John's
(10)

4

ANNEXURE 6

157407/12 ✓

19th April, 94

The Registrar of Titles,
MOHABA.

RE: L.R. NO. 19128
KWALE DISTRICT

I forward herewith a grant in respect of the above mentioned parcel duly signed and stamped for your execution.

Registration fee of K.shs. 100/- has been paid vide receipt no. C - 828389 of 21st March, 1994.


Ochieng G.O.
for: COMMISSIONER OF LAND.

c.c.

The District Land Officer,
MOHABA/ KWALE.

Ketar Kumar Vinubhai Karani,
P.O. Box 22506,
NAIROBI.

(Call on the above mentioned registrar and collect your title.

9
ANNEXURE 7

MINISTRY OF LANDS & HOUSING SETTLEMENT

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 716250-9
or 719610
When replying please quote
Ref. No. 157407/(6)
and date



DEPARTMENT OF LANDS
P.O. Box 50089
NAIROBI

20th July 1994

Messrs. Red Bridge Farm,
P.O. Box 22506,
NAIROBI

ALLOCATION OF RANCHING LAND - KWALE DISTRICT

Please refer to our Letter of Allotment of 4.3.1994 and subsequent title issued on or about 16.4.94. This is to inform you that during the process of Setting Apart of this Trust Land certain procedures were inadvertently omitted. I would appreciate if you cooperated and surrendered the Grant issued. Meanwhile, I would also request you to identify an alternative site for allocation to you as a replacement.

W. GACANJA
COMMISSIONER OF LANDS

ANNEXURE

COUNTY COUNCIL OF KWALE

Telephone: Kwale 4114

When replying please quote

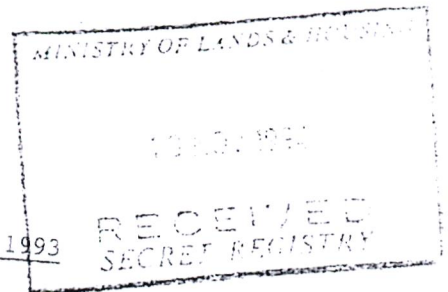
Ref No. CC/CONE...3/A/23
and date

P.O. Box 4,
KWALE, Kenya



.....11th October....., 1993

The Permanent Secretary,
Ministry of Lands,
P.O. Box 30089,
NAIROBI.



REF: LAND FOR RANCHING - KWALE
YOUR LETTER REF: 42973/IV/95 OF 25TH OCTOBER 1993

Reference is made to the above ranching land which had been wrongly allocated to Red Bridge Farm as per the Commissioner of Land's office allocation letter of 4th March, 1994. (copy of letter attached).

This Authority would like to appreciate the move taken by you for having cancelled the allocation after realising the unprocedural manner used to handle the application.

We would therefore much appreciate if you could officially inform us of the cancellation. This matter was notified to us through the District Commissioner and the members of parliament, and we are now awaiting the certificate of the cancellation.

[Signature]
M.A.M. Wamwachai
Clerk to Council
Kwale County Council

*copy to
cc to
[unclear]
[unclear]*

c.c.
The District Commissioner,
P.O. Box 1.
Kwale.

ANNEXURE 8

6

MINISTRY OF LANDS AND HOUSING SETTLEMENT

151

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 728000
or 725348
When replying please quote
Ref. No. 1574077/(10)
and date



DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

2nd December 1994

10/1/95

The Clerk,
Kwale County Council,
P.O. Box 4,
KWALE

103/1/95-23/6

PC

RANCHING LAND RED BRIDGE FARM

This is to confirm that the title
for the above ranch was voluntarily
surrendered back by RED BRIDGE FARM.
The surrender was registered in the
Mombasa Land Registry.

You may wish to verify that and
inspect the relevant documents through
an official search.

W. GACANJA
COMMISSIONER OF LANDS

C.C.

The Permanent Secretary,
Ministry of Lands & Settlement,
NAIROBI

OFFICE OF THE PRESIDENT

Telephone: Kwale 4104/5
When replying please quote

Ref. No. SF/LND/1/A/39
and date



THE DISTRICT COMMISSIONER
P. O. Box 1
KWALE
11th October, 1996

The Commissioner of Lands
Department of Lands
P. O. Box 30089
NAIROBI (ATTN: MR. G. L. MUKOFU)

SETTING APART OF LAND FOR A RANCH
RED BRIDGE FIRM (15,000 HA)

This has reference to your letter No. 157007 of 9th August, 1996 addressed to the Clerk to Kwale County Council and copied to the Director of Land Adjudication & Settlement and the undersigned on the above subject matter.

First of all, I want to bring to your attention the recent developments with regard to the Red-bridge Firm being given 15,000 hectares by Kwale local Authority. The District leadership as well as those who had earlier orchestrated the Ranch to benefit Chenze Ranch ONLY are now up in arms and have sworn to fight those who made it possible for the Ranch to change hands to the bitter end. I have already received a delegation from Kinango, mostly the members of the Chenze Ranch who had earlier been given the blessing by the DDC to own the disputed Ranch. Some Councillors have argued that although the matter was discussed at a Finance Committee level and approved the full council meeting under Minute 16/94. (1) REPORT OF SOCIAL SERVICES; AGRICULTURE VETERINARY AND FORESTRY COMMITTEE rejected the Red-bridge Firm's application to have the setting apart of land (see the Minute item attached).

The Clerk to Council's letter No. CC/KWL/VET.23/6/141 of 21st June, 1994 addressed to you for the attention of Chesyna is elaborative on rejection (find the letter attached for ease of reference).

The complaints lodged are likely to cause animosity among the members of Chenze Ranch and Red-bridge Firm. This in effect would cause insecurity; something which I do not want to see it happen.

Since you know the history and indeed have the background information about the Red-bridge Firm, refer to your earlier letters No. 157407 (10) of 2nd December, 1994 and No. 157407 (11) of 9th January, 1995. I do not need to go in details as to how best you could handle this matter. However, I will not endorse the setting apart forms until I am sure things have been handled amicably between the Council and the Chenze Ranch.

...../2.

I would further suggest that you do not issue the title deed to the Red-bridge Firm until things will have been sorted out locally and in a manner that would not raise eyebrows.



(J. K. NG'ENGO)
DISTRICT COMMISSIONER
KWALE

CC. The Clerk
Kwale County Council
KWALE

The Director
Land Adjudication & Settlement
P. O. BOX 30297
NAIROBI

The District Land Adjudication
& Settlement Officer
KWALE

Encls.

JKN/waa

COUNTY COUNCIL OF KWALE



Telephone: Kwale 4021

When replying please quote

Ref. No. ..CC./JWK/CONF. 3/4/40
and date

P.O. Box 4,
KWALE, Kenya

Date 17TH JANUARY 1997

THE COMMISSIONER OF LANDS,
DEPARTMENT OF LANDS,
P.O. BOX 30089,
NAIROBI.

ATTN: MR. G.L.MUKOFU

Dear Sir,


RE: SETTING APART OF LAND FOR A RANCH - RED BRIDGE FARM (15,000 HA).

Reference is made to letter Ref.No. SF/LND/1/A/39 dated 11th October, 1996 that was addressed to you by the District Commissioner Kwale on the above referred subject. The sentiments contained therein have been noted. The new developments raised by the District Commissioner notwithstanding, the council position on the matter is still unchanged.

These issues should have been raised and addressed prior to filling and signing the setting apart forms. As you very well know the setting apart forms have been filled and signed the presumption being that all these issues and formalities were cleared.

As far as the council is concerned, Red Bridge should be granted the title on the earlier conditions spelt out by the council to them. Land issues have always been noted to raise disputes. Whichever way, disputes will always be there and therefore waiting for a day to come when there will be no disputes will be an expectation in futility.

Yours faithfully,


ENOS L. G. KIDAI
CLERK TO COUNCIL .

C.C.
The District Commissioner, Kwale
KWALE DISTRICT

ANNEXURE

157407/54

6th April, 2005

The Clerk to Council,
Kwale County Council,
P.O. BOX 4,
KWALE

RE: CHENZE RANCH - KWALE DISTRICT

The land comprised in the above mentioned Ranch is part of the Trust Land managed by your Council. At a meeting of your Council held on 1st December, 1993 you considered three applicants for portions of this land measuring a total area of 32,000 hectares. In your communication to me vide your letter Ref. CC/KWL/CONF.3/4(33) dated 12th March, 1996 you had given approval for the land to be distributed as follows:

- | | | | |
|-----|--------------------------------------|---|------------|
| (a) | Red Bridge Farm | - | 15,000 ha. |
| (b) | Chenze Ranching Co-operative Society | - | 4,856 ha. |
| (c) | Mbita Village Residents | - | 2,023 Ha. |

The portion in favour of Red Bridge Farm was later set apart (with your consent) and Gazette No. 187 of 14th January, 1994 published.

It is apparent that serious differences have arisen with respect to the recommendations previously made in respect of this land.

I am therefore referring this matter back to you as the Council so that you may fully deliberate on the issue regarding allocation of this land before further action is taken on the matter.

Please communicate to me at the earliest opportunity the decision you have reached based on the previous allocations, other demands for the land and more importantly the future planning of the area.

J. M. OKUNGU (MRS.)
COMMISSIONER OF LANDS

NOO

c.c.

Hon. Minister for Lands & Housing
(For your information please).

157-47

THE COUNTY COUNCIL OF KWALE

P. O. Box 1, Kwale Kenya Telephone No. 041 33085 4101

CC/KWL/VET. 23/6 VOL. I/(63)

May 16th, 2008

Our Ref. No.

Your Ref. No.

Commissioner of Lands
P.O. Box 30089
NAIROBI

(Att. Mr. R. O. Olundo)


RE: CHENZE RANCH – RED BRIDGE FARM

We are in receipt of your letter Ref. No. 157407/54 of 6th April 2008 and now wish to respond as follows: -

The position of the Council is as communicated vide our letters NO. CC/KWL/CONF. 3/4 of 12th March 1996, CC/KWL/VET. 23/6/131 of 1st December 1993, CCK/VET 23/6/165 of 30th December 1995.

In re-affirming this decision, the Council has been guided by the following factors: -

- (i) That there has been sufficient correspondences on the subject matter.
- (ii) That consensus build in the past was premised on the understanding that all interest groups had been catered for and both the Council/public would benefit from the planned investments by Red Bridge.
- (iii) The Council had consented to the setting apart of the parcel vide Kenya Gazette Notice No.137 of January 1994. We have no recorded objections to the process.
- (iv) That a grant had been issued to Red Bridge Farm Limited after rigorous legal process.
- (v) Records clearly indicate that sentiments aired, much later, by the District Commissioner, Kwale were not bought by the Council.

Muthwato
TNA


192

In view of the above, you are now requested to have the process concluded. There is need to have the area (Kinango District) opened to investors.

All relevant minutes are forwarded.

J. M. Malinda
J. M. Malinda
Clerk to Council

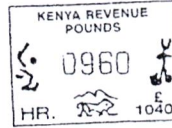
c.c.

District commissioner
Kinango District
P.O. Box 1
KINANGO

157007 | 199

ANNEXURE 13

197



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

23/4/09
3.30
379, 579, 01

Swf 960
Davis Dumas No. 016
5/July

GRANT No. CR. 45368

ANNUAL RENT: SHS.360,000/- For the First 10 YEARS AND
SHS.600,000/- thereafter
TERM: 66 YEARS FROM 1.3.1994

KNOW ALL MEN BY THESE PRESENTS THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS UNTO RED BRIDGE FARM LIMITED a limited liability company having its registered office at NAIROBI (Post Office Box Number 11826-00400)

(hereinafter called "the Grantee") all that piece of land situate South East of Voi Municipality in Taita and K District containing by measurement Fifteen thousand decimal nought (15000.0) hectares acre or thereabouts that is to say Land Reference Number 19128

which said piece of land with the dimensions abutals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 181921 deposited in the Survey Records Office at Nairobi To HOLD for the term of Sixty six (66) Years

from the First day of March One thousand nine hundred and ninety four SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of Shillings three hundred and sixty thousand (Shs.360,000/-) for the first 10 years and shall six hundred thousand (Shs.600,000/-) thereafter (b) the provisions of the Government Lands Act (Chapter 280)

196

157407/203

SPECIAL CONDITIONS

1. The land shall be used for ranching purposes only.
2. The grantee shall use the land in good boundary preserving the soil and its Fertility
3. The grantee shall within three years of the commencement of the term:-
 - (a) install an adequate water supply and troughs at convenient points for grazing stock.
 - (b) construct sufficient roads of access and firebreaks;
 - (c) construct cattle bomas and paddock fencing.
 - (d) construct a sufficient number of buildings to accommodate herdsmen and other workers, all to the minimum value of Shs.10/= per acre.
4. The grantee shall within three years of the commencement of the term stock the level at the ratio of one stock unit per 30 acres there making the ratio to one stock unit per acres within five years.
5. The grantee shall at all time of the lease conform to the rules, regulations and other provisions pertaining to the cattle cloning (Act (cap. 358)).
6. The grantee shall not subdivide the land without 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 the President in lieu thereof.
8. The President or such person as may be appointed for the purpose shall have the right to enter upon the land and have access to water mains, service pipes and drains, telephone and telegraph wires and electric mains of all description whether overhead or underground and the grantee shall not erect any building in such a way as to cover or interfere with existing alignments or 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 on 31st December, 1998 and thereafter at the expiration of every ten years of term.

196

IN WITNESS WHEREOF I, JUDITH MARILYN OKUNGU)
the Commissioner of Lands have by order of)
the Resident hereunto set my hand this)
5th day of July)
Two thousand and Seven.)
in the presence of:)

M. J. ...

D. Onono
REGISTRAR OF TITLES
Dada Onono No. 016

157407/201

DRAWN BY:-
D.ONONO
REGISTRAR OF TITLES
P.O.BOX 30089
NAIROBI

CR. 45368/1
23rd April 2001
3:30 PM.
[Signature]
037

ars and shillin

19

REPUBLIC OF KENYA

IN WITNESS WHEREOF I, JUDITH MARILYN OKUNGU)
 the Commissioner of Lands have by order of Land Reference No. 19128)
 the President hereunto set my hand this (Orig No.)
 Locality S.E. of the Municipality day of July)
 Reference Map South A 75 A and Seven)

In the presence of:

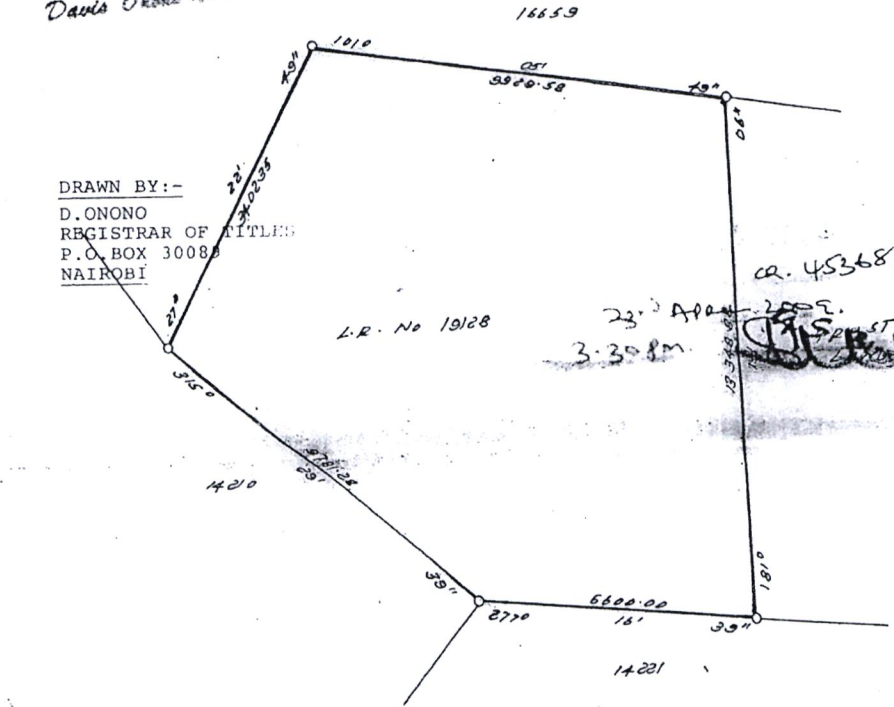
Bearings	Distance in metres

REGISTRAR OF TITLES
 David Onono No 016



Sub division No. (Orig No.)
 of Section No.)
)
 Area = 15000.00 Ha (APPROX)
)
)

DRAWN BY:-
 D. ONONO
 REGISTRAR OF TITLES
 P.O. BOX 3008
 NAIROBI



G.O wayumba
 licensed surveyor

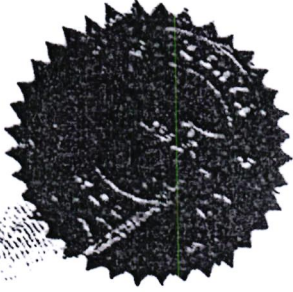
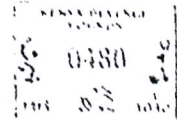
Scale 1 in 100 000

J. G NJOROGE
 for Director of Surveys

NAIROBI 6th APR 1994

DEED PLAN No 18192/

Traced by
 Compared by



REPUBLIC OF KENYA

26.3.10
S44

10,000

S.O.F. 480.

JJ
9.7. 2000
5/7/09

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT No. CR. 47637

ANNUAL RENT: SHS. 120,000/= For the first 10 YEARS AND
SHS. 200,000/= thereafter

TERM: 66 YEARS FROM 1.3.1994

KNOW ALL MEN BY THESE PRESENTS THE PRESIDENT OF THE REPUBLIC OF KENYA hereby
GRANT UNTO RED BRIDGE FARM LIMITED a limited liability company having its registered office
at NAIROBI (Post Office Box Number 11826-00400)

(hereinafter called "the Grantee") all that piece of land situate South East of Voi Municipality in Tafta and Kwala

District containing by measurement Four thousand eight hundred and fifty six decimal four (4856.4) hectares

acre or thereabouts that is to say Land Reference Number 24030

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan
annexed hereto and more particularly on Land Survey Plan Number 199053 deposited in the
Survey Records Office at Nairobi To HOLD for the term of Sixty six (66) Years.

from the First day of March One thousand nine hundred and
SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of
Shillings One hundred and twenty thousand (Shs. 120,000/=) for the first 10 years and shillings
Two hundred thousand (Shs. 200,000/=) thereafter

(b) the provisions of the Government Lands Act (Chapter 280)

REGISTERED TITLE OFFICE
TITLES PAID VIDE REVENUE KSH
DATE 23/9/20

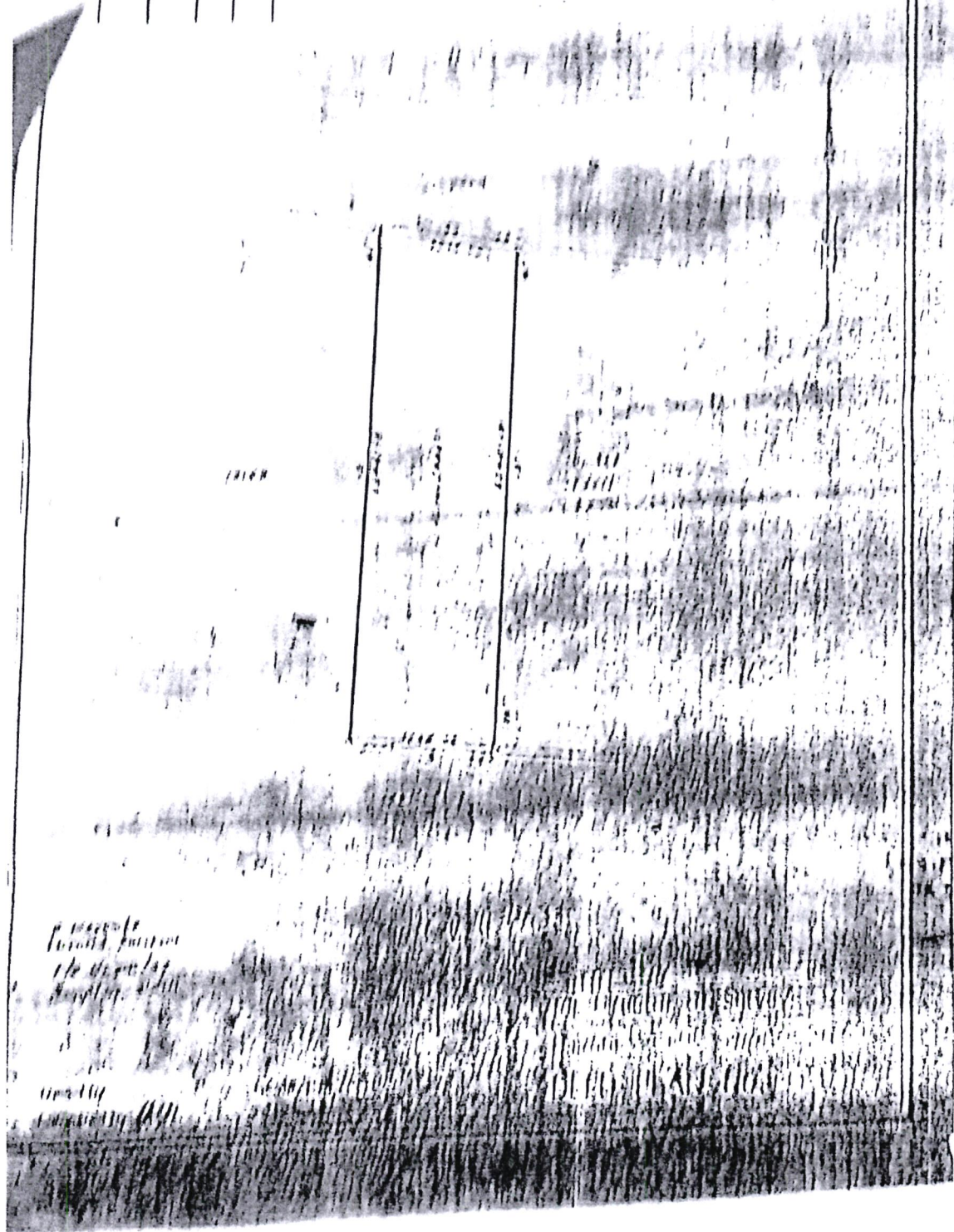
SPECIAL CONDITIONS

1. The land shall be used for ranching purposes only.
2. The grantee shall use the land in good boundary preserving the soil and its fertility.
3. The grantee shall within three years of the commencement of the term:
 - (a) install an adequate water supply and troughs at convenient points for grazing stock.
 - (b) construct sufficient roads or access and firebreaks.
 - (c) construct cattle houses and paddock fencing.
 - (d) construct a sufficient number of buildings to accommodate herdsmen and other workers, all to the minimum value of \$50.00 per acre.
4. The grantee shall within three years of the commencement of the term stock the land at the rate of one stock unit per 10 acres thereon making the ratio to one stock unit per acre within five years.
5. The grantee shall at all time of the lease conform to the rules, regulations and other provisions pertaining to the cattle cloning (Act 104 of 1981).
6. The grantee shall not subdivide the land without prior written consent of the commission of
7. The grantee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatsoever description as may be imposed, charged or assessed by any Government or local authorities upon or the buildings erected thereon including any contribution or other sum paid by the Council thereof.
8. The President or such person as may be appointed for the purpose shall have the right to enter the land and lay and have access to water mains, service pipes and drains, telephones and telegraph wires and electric mains of all description whether overhead or underground and the grantee shall not erect any building in such a way as to cover or interfere with existing alignments or service pipes or telegraph or telephone wires and electric mains.
9. The Commissioner of lands reserves the right to revise the annual ground rent payable hereunder on 31st December, 1998 and thereafter at the expiration of every ten years of the term.

CERTIFIED TRUE COPY
TRES PAID VIDE REVENUE KCH
DATE 22/9/2020



Handwritten text at the top of the page, possibly a header or title, including the words "Handwritten" and "1870".




Handwritten notes or a signature located in the bottom left corner of the page. The text is very faint and difficult to read, but it appears to be a signature or a set of initials.

IN WITNESS WHEREOF I, JAMES AGATA MAMU
the Commissioner of Lands have by order of
the President hereunto set my hand this
5th day of July
Two thousand and seventh year
in the presence of:



J.K. Mwangi
REGISTRAR OF TITLES

Alison

DRAW BY:
J.K. MWANGI
SENIOR REGISTRAR OF TITLES
P.O. BOX 30009
NAIROBI.

LAND REGISTRATION DEPARTMENT
REGISTRATION OF TITLES ACT
REGISTRATION NO. 47637
FORM 267 AUGUST 2000


② THE RESTRICTION UNDER SECTION 71 OF
LAND REGISTRATION ACT OF 1982

Registration 

③ RESTRICTION ENTRY NO. 2 ABOVE
LIBERALLY LIFTED VIDE REGISTER
N.L./GEN. CORRE. (NO. VII/1977) DATED 15th
FEBRUARY 1977.

Price 

AMOUNT PAID THROUGH OF
ES PAID VIDE REVENUE KN
DATE 7.3/9/85

REPUBLIC OF KENYA
THE MATTER OF LAND REGISTRATION ACT NO 3 OF 2012
IN THE MATTER OF LAND ACT No. 6 OF 2012
THE REGISTRATION OF TITLES ACT

CAP.281 (REPEALED)

CERTIFICATE OF POSTAL SEARCH AS ON 23RD SEPTEMBER 2020

PLOT NUMBER: 24030- TAITA & KWALE
TITLE NUMBER: CR. 47637
AREA: 4856.4 HA
TENURE: LEASEHOLD
TERM: 66 YEARS
FROM: 1.3.1994
RENT: KSH. 18,000/= P.A. (REV)
KSH. 200,000/= THEREAFTER
REGIS TERED OWNER: **RED BRIDGE FARM LIMITED**
ENCUMBRANCE: NIL


REGISTRAR OF TITLES
9. 6. 2020



NATIONAL LAND COMMISSION

Telegrams "MINILANDS", Nairobi
 Telephone: Nairobi 2718050
 When replying please quote

ARDHI HOUSE
 1st NGONG AVENUE
 OFF NGONG ROAD
 P.O. BOX 44417
 NAIROBI

DETERMINATION FOR REVIEW OF GRANTS AND DISPOSITION OF PUBLIC LAND, KWALE COUNTY:

- LR.14210 – KENYA TRIANGLE RANCH/KURANZE GROUP RANCH,
- LR.1411 – LUNGA LUNGA RANCH,
- LR. 19128 – RED BRIDGE FARM LIMITED/KWALE RANCH,
- LR.24030 – RED BRIDGE FARM LIMITED/MIJIKENDA RANCH.

INTRODUCTION

The National Land Commission is a Constitutional Commission established under Article 67 of the Constitution of Kenya 2010, and operationalized by the National Land Commission Act, 2012. Its many functions include the management and administration of public land on behalf of the National and County Governments.

Pursuant to article 68 (c) (v) of the Constitution of Kenya, 2010, and Section 14 (now repealed) of the National Land Commission Act, 2012, the Commission shall, on its own motion or upon a complaint by the National or County Governments, a community or an individual, review all grants or dispositions of public land to establish their propriety or legality. Section 6 (2) of the National Land Commission Act, 2012, gives the Commission powers to:

- (a) gather, by such means as it considers appropriate, any relevant information including requisition of reports, records, documents or any information from any source, including any state organ, and to compel the production of such information where it considers necessary;
- (b) hold inquiries for the purposes of performing its functions under this Act;
- (c) take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60 (1) of the Constitution.

Section 6(3) of the National Land Commission Act, 2012, further empowers the Commission to discharge its function in the following manners;

- a) may inform itself in such manner as it may consider necessary;
- b) may receive written or oral statements; and

6. The Commission, in collaboration with the County Government of Kwale, should take immediate action in the resolution of this long standing problems and take deliberate steps in the opening up of this potentially rich area of Kwale.
7. The 13,000 acres of Land that shall be surrendered by ShimbaLand Ranching Company Ltd from LR -16659 (Mwambeja Ranch) should be amalgamated with the areas already inhabited by the same people and other parts of LR. 14210 (Kenya Triangle Ranch), LR.19128 and 24030 (Kwale and Mijikenda Ranches).

DETERMINATIONS

Having heard from all parties, perused the records held at the offices of the County Government of Kwale, studied the Survey records at the Survey Field Headquarters in Ruaraka, consulted the Coast Registry in Mombasa, the Commission is satisfied that adequate information have been gathered to make an informed decision. The following is the Commission's determination:

1. No valid title exists for LR. 19128 and LR. 24030 (in Kwale) .These are forgeries as confirmed by the letter from the Director of Surveys. LR. 24030 is a number for a parcel in Nairobi. F/R. 256/32 does not carry LR. 24030. There is no Gazette Notice for the Setting Apart of the space that later became LR. 24030 (in Kwale). That therefore remains as part of Kwale community land and still forms part of a proposed Group Ranch to be known as Chenze Ranch. The County Government of Kwale is urged to organize the residents of this ranch into livestock cooperatives so that they could make better use of the land.

LR. 19128 was not legally gazetted as having being set apart in pursuance of the Trust Land Act. Due process was not followed and therefore the title in the name of Red Bridge Farm Limited is a nullity. The Commission recommends the revocation of this title and the expunging of the records at Mombasa Registry. Both parcels (LR. 19128 and LR. 24030 in Kwale) are hereby recommended for revocations, and vested in the County Government of Kwale to hold in trust on behalf of the people resident in the area.

2. No valid title was ever created for LR. 14210. The initial allocation to Kenya Triangle Ranch was withdrawn by the Commissioner of Lands after 10 years of non-acceptance of the allocation. Subsequent "allocation" to Kuranze Group Ranch cannot be supported by documentation, and the source of title to this group cannot be verified. There is no records to show that any statutory payments have been made to either the County government of Kwale or the Commissioner of Lands. Although the proprietors of Kuranze Group Ranch insist that their name is only a "business name", and does not in any way indicate the existence of

group to form a ranch in accordance with Group Representatives Act (now repealed), the claimants do not actually exist on the ground, and the pastoralists grazing on the land are subjected to some form of extortion and threats of eviction if they do not pay annual rent. The pastoralists have now petitioned the County government of Kwale, the Ministry of Lands and Physical Planning and the National Land Commission to come to their rescue and formalize their occupation of the land.

The Commission recommends that the tract of land known as LR. 14210 be petitioned in the following manner:

- (a) Allocate 8,000 ha. of land to the Kenya Defence Force (KDF) for use as a training ground. A further 2,000 ha. should be excised from LR. 19128 for use as a military camp. An application by KDF for such consideration is filed herewith, as is the recommendation of the County Government of Kwale. The KDF have visited the area together with the County Government and some form of acceptance have been solicited from the communities living there. The terrain of the land is the most suitable for training purposes, and the military insists that they need such a facility in this part of the country. The reason for the separation of the camp and the training ground is a purely technical and legal consideration. International law requires a military base to be moved away from the vicinity of an international boundary.
 - (b) Identify an area around Kuranze village for setting aside for the County Government of Kwale to develop as a trading centre, and setting aside land for service provisions like schools and health centres.
 - (c) Identify, with the help of Kenya Wildlife Services, a wildlife migratory corridor of appropriate size and location. An establishment of conservancy would be the most appropriate consideration for this area.
 - (d) The rest of the land to be registered as community land for the benefit of the pastoralist communities in the areas. An alternative way to protect the nomadic pastoralists would be to form them into livestock Co-operatives.
3. The Lease for LR. 14211 has only about four (4) years to its expiry. The conditions of the 45 year lease has been grossly violated by non-payment of fees and charges, non-use of the ranch for the intended purpose, and the abandoning of the original idea of livestock ranching. Non-use of the land has led to the flooding of the ranch by squatters, poachers and charcoal burners. There has been attempts at subdividing the land with serious security breaches emanating from illegal sale of pieces of the ranch to speculators from outside the area.

There has also been heavy public investments in form of roads, health centres, schools and other public infrastructure. The County government of Kwale is urged to step in and take possession of this vast ranch and secure it from illegal subdivisions and potential environmental degradation.

4. The County government of Kwale, in consultation, coordination and collaboration with NLC and National government, should organize the communities in the Greater Triangle area into Livestock Cooperative Societies for the better management and protection of the land and to make it productive and add to the economy of the County.
5. Portion of LR - 16659 (formerly LR. 14209) that are to be surrendered by Mwambeja Ranch should be combined with those portions of LR.19128, LR.24030 and LR.14210 to form a contiguous territory for subsistence farmers and pastoralists inhabiting those areas.



Report Prepared by:

Abdulhadi A. Khalif

COMMISSIONER, NATIONAL LAND COMMISSION

21st January, 2019



OFFICE OF THE VICE CHAIRPERSON

Telegram: "MINILANDS", Nairobi
Telephone: Nairobi 2718050

Ref: NLC/GEN. CORRE. /VOL. VIII (64)

H.E The Governor
County Government of Kwale
KWALE.

Principal Secretary
Ministry of Lands & Physical Planning
NAIROBI.

The Land Registrar
MOMBASA.

Thro

The Chief Land Registrar
Ministry of Lands & Physical Planning
Ardhi House
NAIROBI.

Dear Sirs

RE: LR NO. 19128 AND LR NO. 24030-RED BRIDGE FARM.

I refer to the above subject matter.

The Commission carried out inquiries on the above matters in Kwale from 26th to 30th November, 2018.

CHIEF OFFICER
SET UP BY THE NATIONAL GOVERNMENT
KWALE COUNTY GOVERNMENT
21 FEB 2019
RECEIVED
P.O. Box 4-804 Date: 7 February, 2019

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

Copy ->
Hon. Saum
For your
action
[Signature]

RECEIVED
27 FEB 2019
Ministry of Lands & Physical Planning
NAIROBI

A decision was reached by the Commission vide our meeting held on the 2nd November, 2018 at the Sunrise Resort, Mombasa had recommended to the Chief Land Registrar to revoke the said titles.

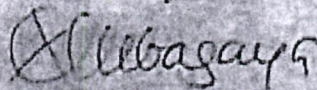
However, the Commission received an appeal from Red Bridge Farm Limited that they had not been given an opportunity to be heard. In addition to the above, the Commission received additional information regarding the same property from the Ministry of Lands and Physical Planning that it may have been properly acquired. An official search of the property was also provided to the Commission.

As a result of the above, the Commission at a meeting held on 21st January, 2019 at the ACK Annex Building, 7th Floor Boardroom in Nairobi, resolved to defer/set aside its earlier decision in that matter.

The purpose of this letter is to notify you the decision of the Commission on the matter.

We will notify you of any changes in due course. Copies of both sets of minutes enclosed for your information.

Yours faithfully



ABIGAE M BAGAYA MUKOLWE (MRS.)
VICE CHAIRPERSON & HEAD OF REVIEW OF GRANTS & DISPOSITIONS
FOR: CHAIRMAN, NATIONAL LAND COMMISSION

CAP.281 (REPEALED)

CERTIFICATE OF POSTAL SEARCH AS ON 28TH SEPTEMBER, 2020

PLOT NUMBER : 224/II/MN

TITLE NUMBER : CR. 1475

AREA : 76.05 HA.

TENURE : FREEHOLD

REGISTERED OWNER : MOHSIN BIN SALEH SHERMAN,
SALEH SHERMAN,
SAID BIN SALEH SHERMAN,
HUSSEIN BIN SALEH SHERMAN and
OMAR SALEH SHERMANA
Tenants in common in equal shares

ENCUMBRANCES : CAVEAT DATED 22ND FEBRUARY, 1983 BY
THE EAST AFRICAN POWER & LIGHTING
COMPANY LIMITED CLAIMING A GRANT
OF EASEMENT

J. M. Kama 352
REGISTRAR OF TITLES

THE COLONY AND PROTECTORATE OF KENYA.



LAND TITLES ORDINANCE 1908.

SCHEDULE I. FORM B.

CERTIFICATE OF OWNERSHIP.

Abrian John Maclean
Christian Jensen of Mombasa,

Recorder of Titles do hereby certify that

is the proprietor of an estate in fee (together with the mineral Rights) in that piece of land situate in the Province of Seyidie at Mto Kanga (E. of Mombasa Island) and which is demarcated and delineated on the plan No. 13895 deposited in the Office of the Recorder of Titles at Mombasa and thereon numbered 2214 of Sec. II. and containing twenty five point nought five acres or thereabouts and subject to such mortgages and other interests (if any) as hereunder written.

In WITNESS whereof, I have hereunto set my hand and seal this 8th day of February 1922.

Certificate Fees Sh. 15/2/-
Survey " Sh. 25/6/-

Fees Paid
Date 2nd March 1923
Pde. by R. of T. Title 2/9/23.

A. P. Maclean L.S.
RECORDER OF TITLES.

Mortgages and other interests above referred to:

DEPT. OF LANDS, E.A.F.

Land Registration Division, Coast Region
Presented 18/7/1922 Registered No. 1475/11
Time 11 a.m. Registrar of Titles

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
C.R. 1475/2 DATE OF REGISTRATION 26th July 1923
Given By The Standard Bank of South Africa Limited
Mombasa
MOMBASA THE 26th DAY OF July 1923. REGISTRAR OF TITLES.

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.
C. R. 1475/3
Memo of Discharge of Charge of No. 2 above

520/48 8/4/48 REGISTRAR OF TITLES

Note:—(1) The words in brackets to be deleted if the land has been acquired from the Crown or otherwise with a reservation of minerals.
(2) If the land has been acquired from the Crown add "and subject to the provisions of the" (here specify the law under which the land is held).

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

C.R. 1475/4

Memo of Charge: In favour of Abdul Kalam
Kodga

11/7/48

[Signature]
REGISTRAR OF TITLES

C. R. 1475/5

Memo of Discharge of Charge of 16 above

13/7/49

24/7/49

[Signature]

C.R. 1475/6

Easement: Granting Right of Way over
above plot to the owners of Plot No. 331 Sec II
Mainland North
1688/49

9/11/49

[Signature]

C. R. 1475/7

Transfer:- To Abdul Rahman bin Miran
Subject to Right of Way no. 6 above

1689/49

9/11/49

[Signature]

Note Pursuant to a transfer registered as C.R. 146/48 the dominant
tenement became vested in the said Abdul Rahman bin Miran and
the easement created in 6 above was extinguished

[Signature]

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

Lease to Deva Kava

Term: 10 years from 1st May 1956

8

Registration No. 2485 Date of Registration 22/1/56 REGISTERED BY 112
SAY THIS INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Surrender: of No. 8 above
(With other lands)

9

3390 Date of Registration 20-12-60 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

Transfer dated 3-2-73 to Mohsin bin Saleh Sherman (2)
Said bin Saleh Sherman (3) Hussein bin Saleh Sherman
(4) Omar Saleh Sherman as tenants in common in equal shares
for Rs. 40,000/- (with other lands)

Registration No. 21 Date of Registration 8-2-73

[Signature]
REGISTRAR OF TITLES

Caseat dated 22nd February, 1983, by
The East African Power & Lighting
Company Limited claiming a Grant
of Easement.

211 Date of Registration 23-2-83

[Signature]

2/1/74

10

2/1/74
23-2-83

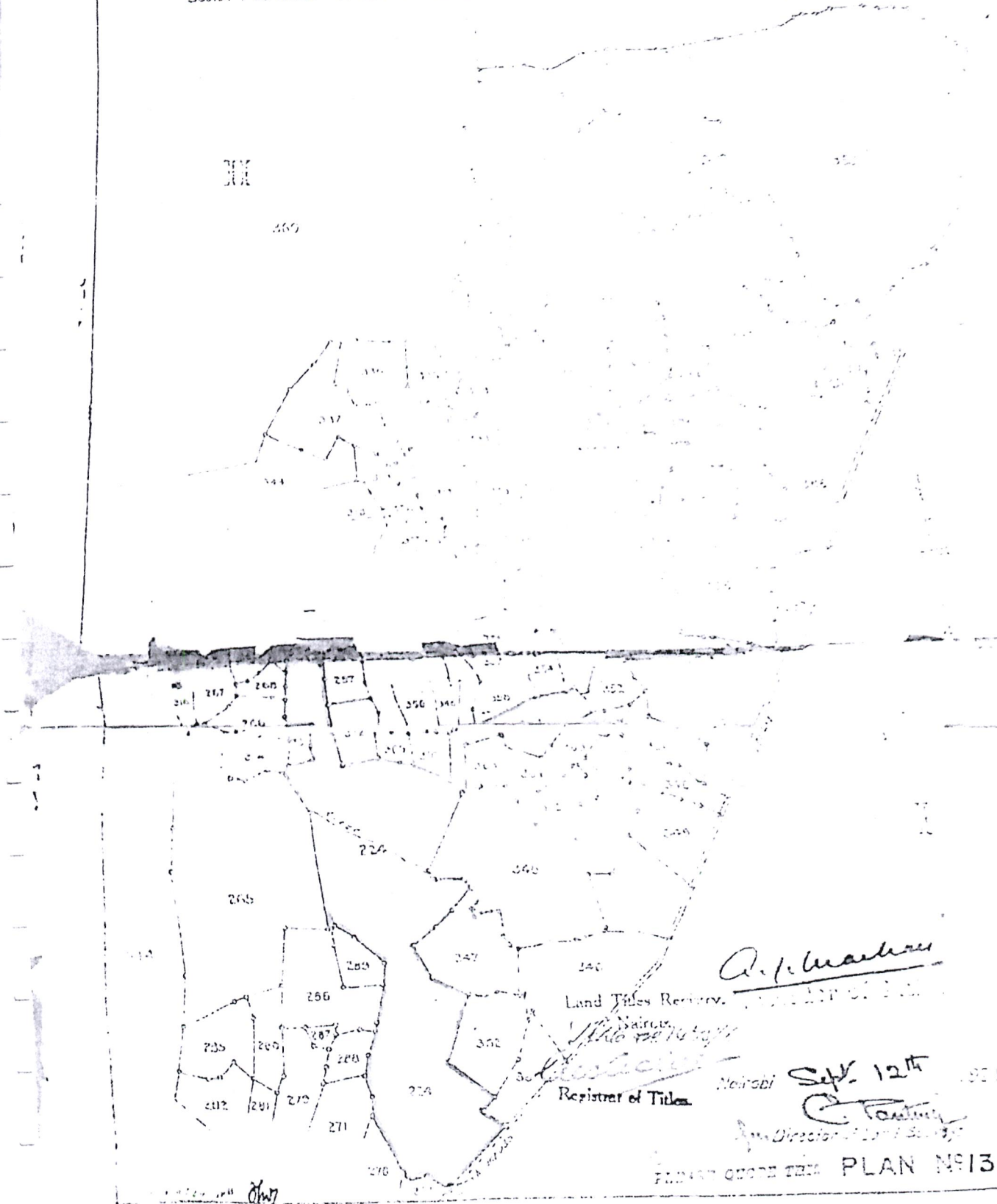
DISTRICT OF MOMBASA

Locality Mto Panga (NE of Mombasa Island)

Scale: 1 in. 10,000 or 833.33 Feet to 1 Inch

at Subdivision No 224
of Section No II Mombasa North
of Portion No --
Mombasa District South A 37
V 1576

Area - 76.05 Acres (Approx)



A. J. Mwanuzi
 Land Titles Registrar
 Mombasa
M. M. Mwanuzi
 Registrar of Titles
 Nairobi

Sept. 12th 1951
C. G. G. G.
 Director of Land Survey

PLAN OF THIS PLAN N9131

C.R. 1475/4
Memorandum of Charge: In favour of Mohd. Helwan
Prodyga

1157/48 15/8/77 Registrar of Title

C. R. 1475/5
Memorandum of Discharge of Charge of 1475/4

1327/49 15/8/77 Registrar of Title

C.R. 1475/6
Easement: Granting Right of Way over
above plot to the owners of Plot No 331 Sec II
Mainland North
1688/49 9/11/78 Registrar of Title

C.R. 1475/7
Transfer: To Abdul Rahman bin Miran
Subject to Right of Way no 6 above
1689/49 9/11/78 Registrar of Title

Note pursuant to a transfer registered as C.R. 1475/7 the dominant
tenement became vested in the said Abdul Rahman bin Miran and
the easement created in favour was extinguished.

1690/49 9/11/78 Registrar of Title
Surrendered to the State
with other lands.

REGISTRAR OF TITLE

ALL FOLLOWING INSTRUMENTS HAS BEEN REGISTERED AGAINST THIS TITLE:
10) Transfer dated 3-2-73 to Mohsin bin Saleh Sherman (2)
Said bin Saleh Sherman (3) Husein bin Saleh Sherman
(4) Omar Saleh Sherman as tenants in common in equal shares
for Rs. 40,000/- (with other lands)
21 Date of Registration 3-2-73 Registrar of Title

11) Easement dated 22nd February, 1983, by
the East African Power & Lighting
Company Limited claiming a Grant
of Easement.
21 25-2-83 Registrar of Title

REPUBLIC OF KENYA
THE MATTER OF LAND REGISTRATION ACT NO 3 OF 2012
IN THE MATTER OF LAND ACT No. 6 OF 2012
THE REGISTRATION OF TITLES ACT
CAP.281 (REPEALED)

CERTIFICATE OF POSTAL SEARCH AS 23rd SEPTEMBER 2020

PLOT NUMBER: 62/II/MN
TITLE NUMBER: CR. 1252
AREA: 17.1 ACRES
TENURE: FREEHOLD
REGISTERED OWNER: MOMBASA MUNICIPAL COUNCIL
ENCUMBRANCE: THE PLOT HAS SEVERAL LONG TERM LEASES REGISTERED TO VARIOUS LESSEES

H. M. K. 363
REGISTRAR OF TITLES

2200

1970/27 A. 11/11/70

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Produce of Will of Norris Kirkham deceased to Sheila
Agnas Kirkham as representative

Registration No. 251 Date of Registration 1-2-68
Produce of Will of Sheila Agnass Kirkham deceased
to Edward Jackson Hallister as representative

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Produce of Will of Edward Jackson Hallister and
Theaht Victoria Hallister as representatives

Registration No. 3625 Date of Registration 2-2-67
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Letter of Administration to Edward Jackson Hallister
of Sheila

CANCELLED

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Letter of Administration to Edward Jackson Hallister
of the Estate of Norris Kirkham deceased
To Edward Jackson Hallister as representative

Registration No. 57 Date of Registration 5-10-67
Transfer dated 17th March 1977 To
Mombasa Municipal Council
For shs. 885/-

Registration No. 103 Date of Registration 16-5-77
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Sub-division Certificate by the
Municipal Council of Mombasa
addressing sub-div. no. 4386.

Registration No. 107 Date of Registration 9-4-77
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE WILL
Lease dated 5th April 1977. Norris
Mwila Mwilaani, sub-div. no. 4386
(K 621) area 0.4109, Term 99 years
from 1-7-70 less shs. 5000/- AA
Registration No. 108 Date of Registration 9-4-77

4

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7A

5A

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9

10

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Sub-division certificate by Municipal Council
Vernon by Vancouver appearing Sub
div. no. 4321 to 4325

Registered No. 272 Date of Registration 2-11-92 *Blatt*
Lessor

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Lease dated 23rd April 1991 19-
Supt. H. Conn. 100-99-100
from 1-7-90 lease no. 289-1-100-1-100
Sub-div. no. 4322 Sub. 1-100-1-100

Registered No. 273 Date of Registration 2-11-92 *Blatt*
Lessor

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Lease dated 15th April 1991 19-
William Robert Adams 100-99-100
from 1-7-90 lease no. 289-1-100-1-100
Sub-div. no. 4323 Sub. 1-100-1-100

Registered No. 274 Date of Registration 2-11-92 *Blatt*
Lessor

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Lease dated 20th April 1991 19-
Vic Suter 100-99-100
from 1-7-90 lease no. 289-1-100-1-100
Sub-div. no. 4324 Sub. 1-100-1-100

Registered No. 275 Date of Registration 2-11-92 *Blatt*
Lessor

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Lease dated 9th April 1992 19-
Norman Blumhagen 100-99-100
from 1-7-91 lease no. 290-1-100-1-100
Sub-div. no. 4325 Sub. 1-100-1-100

Registered No. 276 Date of Registration 2-11-92 *Blatt*
Lessor

THE FOLLOWING DEEDS HAVE BEEN REGISTERED AGAINST THE TITLE

Sub-division certificate by Municipal Council
Vernon by Vancouver appearing Sub
div. no. 4325 to 4324

Registered No. 194 Date of Registration 13-11-92 *Blatt*
Lessor

Lease dated 22nd October 1992 19-
Supt. H. Conn. 100-99-100
from 1-7-91 lease no. 290-1-100-1-100
Sub-div. no. 4326 Sub. 1-100-1-100

Registered No. 277 Date of Registration 13-11-92 *Blatt*
Lessor

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 29th October 1992 To:-
18) Mr. Maloch Ben Lurop, Subdiv. no. 4573 area: 0.4001 hec. Term: 99 years
from 1.9.92 Rent: 1000/- P.A. (via cc 23389) 13.11.92
Registration No. 202

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 21st October 1992 To:-
19) David J. Randu, Subdiv. no. 4568 area: 0.1971 hec. Term: 99 years
from 1.9.91 Rent: 1000/- P.A. (via cc 23390) 13.11.92
Registration No. 202

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 16th October 1992 To:-
20) Yarek Nafuta Khaenta & Anthony Wayeke che Khaenta, Subdiv. of Vill 61 nos 4566 area: 0.2045 hec. Term: 99 years
from 1.9.91 Rent: 1000/- P.A. (via cc 23391) 13.11.92
Registration No. 203

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 29th October 1992 To:-
21) Mrs. Mishu Malika Mwatla'hu, Term: 99 years from 1.9.91 Rent: 1000/- P.A. Subdiv. no. 4561 area: 0.4002 hec. (via cc 23429) 13.11.92
Registration No. 197

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease to Sase M. Karu, Term: 99 years from 1.9.91 Rent: 1000/- P.A. Subdiv. no. 4569 area: 0.3288 hec. (via cc 23480) 13.11.92
Registration No. 199

0224
1459
23/12/92
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 14th October, 1992 To:- JAYEN PAUL TENGA TUMUNA. Sub. No. 4560 Section II Mairand North Term: 99 years from 1st December 1991 Rent: 1400/- P.A. (via cc 23524) 17.2.92
Registration No. 234

(24) THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 19th October, 1992 To:- NJIRU MICHENI NTHIQA. Sub. 4564 Sec. II D.N. Term: 99 years from 1st Decem, 1991 Rent: 1400/- P.A. Area: 0.1049 hec. (via cc 23525) 17.2.92
Registration No. 234

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
Lease dated 5th April 1991 To:- Dennis Mula Mwidani, Subdiv. no. 4386 (Gk 621) area: 0.4109 hec. Term: 99 years from 1.7.90 Rent: 1000/- P.A. (via cc 23517) 9.4.91
Registration No. 108

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 18th June 1991
Joseph Muntimas and Mary on 23807
1991
1991

25. Lease to Joseph Muntimas and Mary on 23807
Sub. Div. No. 4557, Area: 0.2001 Hect. 22-1-93
Term: 99 years from 1-10-91
Rent: Ksh. 2800/- P.A.
Registered No. 247

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 21st October 1992, Vill
Fredrick M. Kinnetho
Sub. Div. No. 4567, Area: 0.2057 Hect. 23746
Term: 99 years from 1-10-91
Rent: Ksh. 2800/- P.A.
Registered No. 183

26. Lease to Fredrick M. Kinnetho
Sub. Div. No. 4567, Area: 0.2057 Hect. 23746
Term: 99 years from 1-10-91
Rent: Ksh. 2800/- P.A.
Registered No. 183

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 4th February 1993, Vill
Philomen Mwanjui, Sub. Div.
Sub. Div. No. 4563, Area: 0.1046 Hect. 23846
Term: 99 years from 1-10-91
Rent: Ksh. 1400/- P.A.
Registered No. 26393

27. Lease to Philomen Mwanjui, Sub. Div.
Sub. Div. No. 4563, Area: 0.1046 Hect. 23846
Term: 99 years from 1-10-91
Rent: Ksh. 1400/- P.A.
Registered No. 26393

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 25th July 1993, Vill
Prof. Ahmed Saha Lalm, Sub.
Sub. Div. No. 4570, Area: 0.1924 Hect. 24491
Term: 99 years from 1-8-91
Rent: Ksh. 2800 P.A.
Registered No. 2893

28. Lease to Prof. Ahmed Saha Lalm, Sub.
Sub. Div. No. 4570, Area: 0.1924 Hect. 24491
Term: 99 years from 1-8-91
Rent: Ksh. 2800 P.A.
Registered No. 2893

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease to JOHN KIPLANGAT NGENO.
Sub. No. 4558. Area: 0.2001 Hectares
Term: 99 years. From 1st October, 1991
Rent: Kshs. 2,800/- (vide CR 24708 issued)

29. Lease to JOHN KIPLANGAT NGENO.
Sub. No. 4558. Area: 0.2001 Hectares
Term: 99 years. From 1st October, 1991
Rent: Kshs. 2,800/- (vide CR 24708 issued)
Registered No. 0070 Date of Registration 4-11-93

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 30th June 1994, Vill on
Elias Mwakamba Mjomba
Sub. Div. No. 4574, Area: 0.3502 Hect. 25894
Term: 99 years from 1-5-94
Rent: Ksh. 6,400/- P.A.
Registered No. 44

30. Lease to Elias Mwakamba Mjomba
Sub. Div. No. 4574, Area: 0.3502 Hect. 25894
Term: 99 years from 1-5-94
Rent: Ksh. 6,400/- P.A.
Registered No. 44

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Lease dated 5th October 1994, Vill
Prof. Atieno Mwangi Mwangi
Sub. Div. No. 4586, Area: 0.0999 Hect. 26314
Term: 99 years from 1-10-94
Rent: Ksh. 7400/- P.A.
Registered No. 240

31. Lease to Prof. Atieno Mwangi Mwangi
Sub. Div. No. 4586, Area: 0.0999 Hect. 26314
Term: 99 years from 1-10-94
Rent: Ksh. 7400/- P.A.
Registered No. 240

INQUIRIES/INVESTIGATIONS ON PUBLIC LAND HELD ON THE 21ST
JANUARY 2019 AT 7TH FLOOR BOARDROOM AT ACK ANNEX FROM
12.30 PM TO 4.30 PM

PRESENT:

- | | |
|--------------------------------|-----------------------------|
| 1. Comm. Abigael Mbagaya | Vice Chairperson (Chairing) |
| 2. Comm. Emma Njogu | Member |
| 3. Comm. Abdulkadir Khalif | Member |
| 4. Comm. Dr. Clement Lenachuru | Member |
| 5. Comm. Dr. Samuel Tororei | Member |

IN ATTENDANCE

- | | |
|-----------------------|----------------|
| 6. Mr. Charles Kagema | |
| 7. Joybrenda Machinda | Taking Minutes |
| 8. Harrison Arasio | |

ABSENT WITH APOLOGY

- | | |
|-------------------|--------|
| 1. Mr. Brian Ikol | Member |
|-------------------|--------|

AGENDA.

1. Opening Remarks
2. Adoption of the Agenda
3. Determinations
4. Any Other Business

Opening remarks

The Chairperson, Commissioner Abigael Mbagaya called the meeting to order at 12.30pm and welcomed all members .

Min 1/21/1/2019- Adoption of the Agenda

The Chairperson guided the members through the agenda of the meeting. The same was adopted as the agenda of the meeting. Kilifi Chembe/Kibabamshe/212,215,217,218 & 219 was regularized to Margaret kabibi, John Kadodo, Philip Kahindi, Edrick Mwanyonyo and Dagman Kazungu upon hearing of the appeal.

Min 2/21/1/2019- Military Land

The chairperson presented a write up on the investigation undertaken by the Commission regarding all parcels of land that had encroached on military land.

The Ministry of Defence filed a complaint with the Commission that military land had been grabbed by private individuals.

All titles that lay within military land are hereby revoked and land reverted to the Ministry of Defence.

The write up by the chairperson was adopted by the Commission as per the attached list.

Min 3/21/1/2019- Kenyatta National Hospital VS Sammy Lagat

Kenyatta National Hospital filed a complaint with the Commission that one Sammy Lagat had encroached on the land belonging to the hospital.

A survey was carried out by a surveyor from Kenyatta National Hospital and also a private surveyor for Mr. Sammy Langat to establish if in deed this was the correct position.

It was established that the Sammy Lagat's land did not belong to Kenyatta National Hospital.

Sammy Lagat's title is therefore upheld.

Min 4/21/1/2019- Coast Bus Limited Vs Delta Matrix Limited (LR No. 337/4778)

Coast Bus in this case enjoys preemptive rights over the land.

Lease to be extended in favor of Coast Bus.

Commissioner Abdulkadir Khalif presented his detailed report regarding the parcel in question and issues therein in to be analyzed and considered by the Commission before making its determination.

Points that were observed by the Commission were:

- That it is not disputed that the subject parcel belonged to Kenya Civil Aviation Authority.
- The letter of allotment issued to Priority Limited and Monene Investment Limited was irregular.
- That Weston Hotel are bona-fide purchasers without a notice of any defect in the title.
- That the land at the time of valuation was undervalued.
- That the Kenya Civil Aviation Authority lost an important asset in this case.
- That the then Commissioner and Minister of Lands are to be blamed for occurrence as they failed to act on the irregular allocation of the parcel.
- The Management of Kenya Civil Aviation Authority also to be blamed for vacating the subject parcel without establishing if the alternative land was available for allocation.

The Commission therefore after considering and analyzing the issues at hand made a finding that;

The current market value of the land to be determined by the Commission upon which Weston Hotel is required to pay the current market price of land to KCAA so as enable it purchase land of equal value.

KCAA having been restituted to its initial position only then can the Commission regularize the title to Weston Hotel.

Min 6/21/1/2019- Kenya Airports Authority Land (KAA)

It is noteworthy that KAA is seeking nothing short of revocation of all the disputed grants and reversion of the land to the JKIA. The Commission's recommendations must therefore, resonate with the above given that the irregular allocations jeopardize operations, security and safety of the airport.

The Commission however, took cognizance of the fact that already there are several private entities operating within the airport land on subleases. That being the case the Commission is of the opinion that such legitimate arrangements should not be disrupted unnecessarily.

In view of the foregoing observations and the enumerated findings the Commission made recommendations guided by public interest and by carefully weighing the possible impacts.

The Commission recommends that all the long term (99 years) grants affecting the KAA land be cancelled/ revoked and be replaced by short term **subleases** in accordance with the terms and conditions approved by KAA.

All **private developments** falling within the airport flight paths and funnels, or located close to the strategic positions such as flight paths and the airside or any other locations deemed unsuitable, should be **demolished** forthwith.

KAA should **compensate** for any approved developments and improvements made by private entities which will be demolished. There should be no compensation for land but where appropriate, KAA should offer the affected entities alternative sites on sublease basis.

The family of the late John Makuthi Kathumba who laid a claim on parcel **LR No. 7075/3** within the JKIA land should be compensated on basis of a valid **squatter** claim on the land. KAA should compensate the family (in good faith) to facilitate resettlement elsewhere.

The squatter's continued stay on public land is not tenable since it is close to the flight funnel and is a security risk to the airport operations.

In conclusion, the Commission recommends that KAA shall, in conjunction with other relevant agencies, prepare a Master Plan for the airport for development, management and use of the reserved public land pursuant to section 17 of the Land Act, 2012. This will contain detailed **guidelines** on how the airport and related activities will be efficiently distributed on the available public land for posterity.

Min 7/21/1/2019-Mwavumbo & South Samburu Ranch

The Commission adopts the report and the matrix therein.

The Commission however, noted that the ranches in question had undertaken an AGM as per the requirements of the law and were successfully undertaking the process of sub-division as advised.

Min 8/21/1/2019- LR No. 19128 & LR No. 24030 -Red Bridge Farm.

Commissioner Abdulkadir read out a ground report undertaken by Mr. Appida.

The Commission herein deferred this matter pending the issuance of a report from the Ministry of Lands and Physical Planning, Director of Survey Kenya and the County Government of Kwale. The reports to be ready before the 4th of February 2019.

The Commission to do letters requesting for the same.

Min 9/21/1/2019- Nairobi Block 82/3812 & 3813

Mr. Kagema informed the Commission that it had stopped any construction with respect to the above parcels that were subject to the review process even though they were not public land.

The Commission made a finding that the titles therein should be upheld since the land in question was not meant for public use.

Min 10/21/1/2019- Green Court Estate Vs County Government of Nairobi
(LR No. 13491/1 & 2)

Mr. Kageema stated that the parties therein were seeking regularization of their titles. He further presented a letter by the County Government of Nairobi allowing the change of user.

The Commission made a finding that regularization should only be done with the approval of the County Government of Nairobi.

Min 11/21/1/2019- Report on the inquiries on Kibarani Land.

The chairperson Commissioner Abigael Mbagaya presented a report on the same.

The Commission made a finding that:

- ❖ That all parcels of land that had been reclaimed from the ocean should be revoked and the land remains to the ocean
- ❖ All parcels within the dumpsite area are hereby revoked and land should revert to the County Government of Mombasa for recreational purposes.
- ❖ All parcels that are within the livestock land stand revoked land to be held by the PS Treasury of behalf of Ministry of Livestock.
- ❖ All titles that are within the riparian reserve stand revoked.
- ❖ All mangrove reserves should remain.

The reported dated, January 2019 was adopted by the Commission subject to a few amendments.

Further investigations to be undertaken in the Upper Zone with respect to LR No. 509 and all the subsidiary sub-divisions therein.

1. Cabinet Secretary Ministry of Lands and Physical Planning concerns regarding the Red Bridge Farm,

The Chair informed the Commission that she had received a concern from the Cabinet Secretary ,Ministry of Lands and Physical Planning that Red Bridge Farm had complained to her that the Commission was in the process of revoking their title and yet their title was genuine. She also informed the Coimmission that she had received an appeal from Red Bridge Farm that they had not been given an opportunity to be heard.The Chairperson presented a copy of an official search document from the Cabinet Secretary Ministry of Lands and Physical Planning indicating that the land belonged to Red Bridge Farm. Members agreed to defer this case pending the issuance of reports from the Ministry of Lands and Physical Planning, Director of Survey Kenya and the County Government of Kwale on the status of the land before making its final finding.


2. Military Land in Eastleigh

Commissioner Emma Njogu informed the Commission that she a requested a report from the Director of Survey Kenya before making any findings.

3. Next Commissions Meeting.

Members agreed that the next Commissions' meeting should be held on the 29th January, 2019.

There being no other business, the meeting ended at 4.30pm.

SIGNED: 

DATE: 21st JANUARY 2019

JOYBRENDA MACHINDA
SECRETARY

SIGNED: 

DATE: 21st January 2019

ABIGAEL MBAGAYA MUKOLWE (MRS.)
VICE CHAIRPERSON(CHAIRING)
NATIONAL LAND COMMISSION

THE NATIONAL ASSEMBLY (FOURTH SESSION)
PUBLIC PETITION
(No. 25 of 2020)

**RESPONSE TO THE ALLEGATIONS OF IRREGULAR TRANSFER OF OWNERSHIP
OF CHENZE RANCH TO THE RED BRIDGE FARM LIMITED**

THE HONOURABLE MEMBERS OF THE NATIONAL ASSEMBLY,

I KETAN KUMAR VINUBHAI KARANIA of P.O Box 22506 Nairobi do hereby state as follows:

1. **THAT** I am a Director of the Red Bridge Farm limited hence competent to respond to the above petition.
2. **THAT** the **RED BRIDGE FARM LIMITED** made an application to the County Council of Kwale for allocation of part of Trust land for Ranching purposes.
3. **THAT** by Resolutions dated 1st December 1993, the County Council of Kwale allocated **15,000** hectares of land to the Red Bridge Farm Limited. **(See annexure 1)**
4. **THAT** the petitioner was among the applicants for land and was considered and allocated **12,000 hectares**.
5. **THAT** **5,000** hectares of the Trust land was allocated to the area residents in the same meeting.
6. **THAT** the allocation of the 15,000 hectares of the Trust land was followed by the **SETTING APART** of the same vide **GAZETTE NOTICE No.187** of 14th January 1994. **(See annexure 2)**
6. **THAT** pursuant to the gazettelement of the setting apart the Commissioner of Lands issued the Red Bridge Farm Limited with a Letter of allotment dated 4th March 1994.
7. **THAT** after paying the statutory fees on 21st March 1994, a Grant was prepared and registered as **C.R No. 25484** subsequent to which the same was issued to the company.
8. **THAT** it later emerged that during the process of Setting Apart the Land, one procedure (signing of the relevant forms) was inadvertently omitted. As a result, the Red Bridge Farm Limited was requested by the Commissioner of Lands to surrender the Title to allow the right procedure to be followed. **(See annexure 3)**.
9. **THAT** we duly complied and surrendered the title duly registered.
10. **THAT** after the surrender of the Title by the Red Bridge Farm Limited, the Petitioners in the present petition abandoned their pursuit for the documentation of the land allocated to them and instead started challenging the allocation of the **15,000** hectares to the Red Bridge Farm limited. This triggered an exchange of correspondences between the Commissioner of Lands and the County Council of Kwale.
11. **THAT** in response, the County Council of Kwale stated that at a meeting of the Council held on 1st December 1993, it recommended allocation of land to the Red Bridge Farm limited, Chenze Ranch and Mbita village residents to ensure fair distribution on the part of the County Council. **(See some of the correspondences annexure 4)**.

12. THAT the dispute over the allocation of the above Land reached a point where it involved the then Minister for Lands, Housing who directed the Commissioner of Lands to communicate with the County Council of Kwale.
13. THAT the County Council reiterated their earlier stand which led to the reissuance of the Title to the Red Bridge Farm Limited, now registered as C.R No. 45368.(See annexure 5)
14. THAT it is worth to note that it took 15 years for the Red Bridge Farm Limited to be reissued with the title deed for L.R Number 19128.
15. THAT at the instigation of the petitioners (as confirmed from the contents of paragraph 6 of their petition) the National Land Commission caused a Notice to be published in the Daily Nation of 1st September 2015 in which the Commission requested all the owners of the Ranches listed therein to submit minutes of the defunct County Council of Kwale, a certified copy as well as the original Title Deed, a copy of Gazette Notice setting Apart , a copy of an approved survey plan among other documents.
16. **THAT** we furnished the Commission with all the above documents in compliance with their Notice.
17. **THAT** at a meeting held in Kwale in November 2015, the Petitioners were asked to produce documents to support their claim over the parcels of land that are a subject of this hearing, but were unable to produce any and the matter was closed.
18. **THAT** when we thought the dispute was over, we were surprised to learn that the NLC County Coordinator-Kwale had written a letter dated 10th April 2018 requesting the Principal Land registrar(Mombasa) to register restrictions on the Respondent's parcels of land among others on the instructions of one commissioner(Abdul. Khalif) under the guise of **REVIEW OF GRANTS AND DISPOSITION OF PUBLIC LAND**.
19. **THAT** the said **REVIEW** culminated in an **unfair** a recommendation that the Titles for the Red Bridge Farm Limited be revoked among others.
The recommendation was unfair because Red Bridge Farm Limited was **condemned** unheard.
20. **THAT** through our Advocates, we appealed against the said adverse recommendation and requested that we be given audience to defend ourselves.
21. **THAT** we were given an opportunity at which we presented our case and the documents showing that the Title deeds were acquired legally.
22. THAT besides our presentation, the NLC received a report from the Ministry of Lands which vindicated the red Bridge farm limited from any wrong doing.(See annexure 6).
23. THAT it is on the basis of the above that the National Land Commission reversed their earlier recommendation.

24. **THAT** from the chronology of events and the documents in our possession, it is evident that the Petitioners never owned any land prior to our application for allocation of the part of the Trust Land, that they were being considered for allocation of a portion of the same land at the time with us and that they did not pursue the documentation of the portion of the land Allocated to them.

25. **THAT** we have no doubt that the process of obtaining the Title documents on our part was done legally and procedurally.

26. **THAT** in the circumstances, we pray that the PETITION be dismissed.

DATED AT NAIROBI this.....^{30th}.....day of 30th October 2020

PRESENTED BY



KETAN KUMAR VINUBHAI KARANIA
FOR THE RED BRIDGE FARM LIMITED

KWALE COUNTY COUNCIL

MINUTES OF THE SOCIAL SERVICES, AGRICULTURE, VETERINARY AND FORESTRY COMMITTEE MEETING HELD ON 1/12/1993 AT 2.00 P.M.

PRESENT:

- Councillor Patrick C. Chabogo - Interim Chairman
- " Mwinyi A. Mshindo - Chairman to Council
- " Juma B. Dzimwenga - Committee Member
- " Hassan M. Gakurya - "
- " Bakari A. Mwawasaa - "
- " Mwinyi S. Uledi - "
- " Harrison J. Nyawa - "
- " Kassim N. Kibunda - "

ABSENT WITHOUT APOLOGY

- Councillor Harrison M. Hataza - Committee Chairman
- " Yusuf H. Mbwana - Committee Member
- " Hassan R. Rudzo - "
- " Shaban N.K. Nyawa - "

OFFICERS

- County Clerk - Mr. M.A.M. Wamwachai
- District Physical Planning Officer - Mr. S. Jabu
- Ag. Committee Clerk - Mr. Shadrack M. Mwalonya
- Clerical Officer II - Mr. S.H. Ngala

MIN. 40/93 - APPOINTMENT OF INTERIM CHAIRMAN

It was RESOLVED that due to the absence of the Committee Chairman, Councillor Patrick C. Chabogo be appointed interim Chairman for the meeting.

MIN. 41/93 - PRAYERS

Councillor Hassan M. Gakurya conducted some short prayers.

MIN. 42/93 - CHAIRMAN'S SPEECH

The interim Chairman thanked the members for attending the meeting. He said that since the agenda was one, he expected the members to stick to the agenda so that the meeting was unduly delayed.

MIN. 43/93 - SETTING ASIDE OF LAND FOR RANCHING/DEJ 38 FARMING PURPOSES

Ref: Min. 33/93

The Interim Chairman informed the meeting that following the recommendation of the Committee on 16/11/93 he together with the Councillor for Ndavaya went back to Mbita. He said that when they reached Mbita they asked one person whom he travelled with him to where the committee stopped and travelled one kilometre further. He said they reached at a place where there were some people. The people informed them that they were there doing some charcoal burning. The Interim Chairman said that he asked the people if there were people living in that land apart from them. The people replied that there were no people living there. The interim chairman said that from the information given by the people and the person whom he travelled with he concluded that there were no people living in that land.

The committee then gave further consideration to Min. 33/93 which had been deferred pending a report on the investigation to ascertain whether there are people in that land or not.

The County Clerk informed the meeting that apart from the new applicants, there were others who had interest on the same land - after approaching the DDC since they thought that the land was a Government land. He said these were Chenze Ranch which was a joint venture with former members of the default Kwale Ranchers. He said that the latter was amalgamated into Chenze Ranch and became one ranch called Chenze Ranch. He said that the members of the Ranch are local people from Kwale District. He said that the Chenze Ranch covers the same area applied for by the Red Bridge Farm.

The Physical Planning Officer informed the meeting that the 32,000 ha covered Mbita village. He said that the office of the Physical Planning intended to exclude Mbita village and set aside 5,000 ha (12,500 acres) for Mbita village and left 27,000 ha, 67,500 acres for the Ranch.

The County Clerk read minutes of the Chenze Co-op Society and Kwale Ranchers before the meeting. He said that as stated earlier the latter group, Kwale Ranchers joined Chenze Ranch. He said that Chenze Ranch applied for land to the Commissioner of Lands but the Commissioner of Lands replied them that the land was committed to somebody else.

After discussion it was RESOLVED to recommend the Council

- (i) that the applicant, Red Bridge Farm be allocated 15,000 ha.
- (ii) that the 15,000 ha of land be leased to the Red Bridge Farm for a period of 65 years.
- (iii) that the 15,000 ha allocated be in the western side next to Kenya Triangle Ranch and Lungalunge Ranch in the South.
- (iv) that the County Council of Kwale be given a share of 10% having taken the land as their contribution.
- (v) that the applicant offer for sale shares to indigenous person of this District.
- (vi) that the applicant be given a period of 10 years to develop the land.
- (vii) that in the event that the applicant fails to develop the plot within a period of 10 years, then the land should resort back to the County Council of Kwale.
- (viii) that the applicant should not change the land for any other purpose rather than the development of the plot.
- (ix) that the applicant should assist in contributing to self help projects in the District.
- (x) that the 12,500 acres (5,000 ha) be reserved for Mbita Village.
- (xi) that the balance of the land 12,000 ha be allocated to Chenze Co-operative Society Ranch.
- (xii) that this information be communicated to the Commissioner of Lands who should communicate the acceptance of the conditions given.

The meeting was closed at 4.38 p.m.

Confirmed _____

Date _____

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~~*Handwritten signature*~~

CHAIRMAN
SOCIAL SERVICES, AGRICULTURE, VETERINARY AND FORESTRY COMMITTEE.

14/5/2008

Gazette Notice No. 182

THE LOCAL GOVERNMENT ACT
(Cap. 265)THE LAMU TRADE DEVELOPMENT JOINT BOARD
APPOINTMENT OF MEMBERS

IN EXERCISE of the powers conferred by section 3 of the Local Government (Lamu Trade Development Joint Board) Act, 1966, the County Council of Lamu, appoints—

Cllr. Abdalla Fadhil,

Cllr. Said M. Famau,

Cllr. Abbas Sheiknana,

to be members of the Lamu Trade Development Joint Board.

Dated the 4th January, 1994.

A. N. ALI,
Clerk to Council.

Gazette Notice No. 133

THE LOCAL GOVERNMENT ACT
(Cap. 265)THE COUNTY COUNCIL OF LAMU
APPROVAL OF BY-LAWS

IN ACCORDANCE with section 205 (i) of the Local Government Act, notice is given that the County Council of Lamu (Public Markets) (Amendment) By-laws, 1991, were approved by the Minister for Local Government, on 14th October, 1992, and shall come into force in the area of jurisdiction of the Council on the date of publication of this notice.

Dated the 13th September, 1993.

A. N. ALI,
Clerk to Council.

Gazette Notice No. 134

THE VALUATION FOR RATING ACT
(Cap. 266)THE MUNICIPAL COUNCIL OF KISUMU
1992 DRAFT PRIVATE LAND VALUATION ROLL
Notice of Valuation Court

NOTICE is given that arising from objections raised against the 1992 Draft Private Land Valuation Roll appearing in the 1992 Draft Private Land Valuation Roll of Kisumu Municipal Council, a valuation court has been set up to determine the said objection in accordance to the provisions of the Valuation for Rating Act.

Further notified that the said valuation court will begin its work on Monday, 10th January, 1994, at 9 a.m. in the Chamber, Town Hall.

Final objectors who had lodged their objections with the clerk within the statutory period will receive notices of the court through their last known addresses. Any objector who does not receive a notice within seven (7) days from the date of publication of this notice is advised to contact the council urgently on the same.

Dated the 22nd December, 1993.

J. O. ONG'ELE,
Acting Town Clerk.

Gazette Notice No. 185

THE REGISTRATION OF TITLES ACT
(Cap. 281, section 71)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS *Abdullhussein Mamujee (deceased)*, is registered proprietor of that piece of land known as subdivision No. 697 (old No. 1149), Mombasa Island within Mombasa Municipality in Mombasa District, held by a certificate of title registered as C.R. 2379/1, and whereas sufficient evidence has been adduced to show that the said certificate of title registered as C.R. 2379/1 is lost, notice is given that a provisional certificate will be issued at the expiration of ninety

Gazette Notice No. 186

THE REGISTRATION OF TITLES ACT
(Cap. 281, section 71)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Omar Hassan, of P.O. Box 35426, Mombasa in the Republic of Kenya, is registered proprietor in fee simple of that piece of land known as subdivision No. 697, section VI, mainland north within Mombasa Municipality in Mombasa District, held by a certificate of title registered as C.R. 2379/1, and whereas the certificate of title registered as C.R. 2379/1 issued thereof is lost, notice is given that I shall issue a provisional certificate after the expiration of ninety (90) days from the date hereof, unless a written objection is received within that period.

Dated the 14th January, 1994.

L. M. MUTTIMOS,
Senior Registrar of Titles, Mombasa.

Gazette Notice No. 187

THE TRUST LAND ACT
(Cap. 233)

SETTING APART OF LAND

NOTICE is given that the land described in the schedule hereto has been duly set apart in accordance with the provisions of part IV of the Trust Land Act, for the purposes specified in the said schedule.

SCHEDULE

Place.—Kinango.

Purpose.—Ranch.

Area.—15,000 hectares approximately.

DESCRIPTION OF LAND:

Starting from point KTR 1 which is 13,296.62 metres to the west of trigonometrical station No. 5 PK 55 then in north-easterly direction at a bearing of 207° 28' 49" for a distance of 8,370m. to point MR 2. Thence eastwards at a bearing of 281° 05' 49" and a distance of 10,300m. to point MR 1 "A". Thence southwards at a bearing of 184° 00' 00" and a distance of about 13,250 metres to point LLR 1 "A". Thence westwards at a bearing of 97° 13' 39" for a distance of about 6,600 metres to point KTR 2. Thence north-east at a bearing of 135° 49' 39" and distance of 9,741 metres to the original point KTR 1.

All bearings given above are magnetic.

A plan of the area may be inspected at the office of the District Commissioner, Kwale.

Dated the 10th January, 1994.

WILSON GACANJA,
Commissioner of Lands.

Gazette Notice No. 133

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT KERUGOYAIN THE MATTER OF THE ESTATE OF KAMUNYA
MWANGI MUBUBI ALIAS MWANGI MUBUTI.

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 382 of 1993.

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Karatina Hospital, on 25th September, 1990, has been filed in this registry by Gitson Kinyua Kamunya, of P.O. Box 227, Kerugoya, in his capacity as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

Red Bridge Farm,
P.O. Box 22506
NAIROBI

4th March

NAIROBI

94

,19.....

Ref. No.

SIR(S)/MADAM,

RE: UNS. SITE FOR RANCH - KWALE

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of **Kwale** 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: **15,000** hectares (approximately).
TERM: **66** years from the **1.3.94**
STAND PREMIUM: Sh. **Nil**
ANNUAL RENT: Sh. **360,000/= for first 10 years** then **Shs. 600,000/= for balance of 66 years** } 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 1.3.94 to 31.12.94	300,000/=
Conveyancing Fees	500/=
Registration Fees	100/=
Rates on demand	=
Stamp Duty	12,000/=
Survey Fees)
Road and Road Drains) on demand
Others)
Receipt No. Less Deposit
TOTAL Sh.	312,600/=

[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.

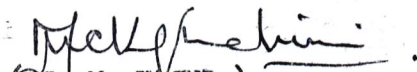
The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

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: **Government**

File 42973/IV/109


(S. M. KAGWI)

for Commissioner of Lands

ENCL.

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

The Director of Surveys, Nairobi.

~~The Director of Surveys, Nairobi.~~

The Clerk to the Council, County Council of **Kwale**

The District Commissioner. **Kwale**

The Director of Physical Planning, Nairobi.

District Land Officer. **Mombasa**

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

GPK (LT) 000, REC

MINISTRY OF LANDS & HOUSING SETTLEMENT

24

Telegram: "LANDS", Nairobi

Telephone: Nairobi 718050-9

or 719010

When replying please quote

Ref. No. 157407/(6)

and date



DEPARTMENT OF LANDS
P.O. Box 30099
NAIROBI

20th July 94

.....19.....

Messrs. Red Bridge Farm,
P.O. Box 22506,
NAIROBI

ALLOCATION OF RANCHING LAND - KWALE DISTRICT

Please refer to our Letter of Allotment of 4.3.1994 and subsequent title issued on or about 16.4.94. This is to inform you that during the process of Setting Apart of this Trust Land certain procedures were inadvertently omitted. I would appreciate if you cooperated and surrendered the Grant issued. Meanwhile, I would also request you to identify an alternative site for allocation to you as a replacement.

W. GACANIA
COMMISSIONER OF LANDS

COUNTY COUNCIL OF KWALE

Telephone: Kwale 4021

When replying please quote

Ref. No. CC/KWL/CONF. 3/4/(33)
and date



5

P. O. Box 4,
KWALE, Kenya

Date 12th March, 1996

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

LR 19125
CR 25484

Dear Sir,

SETTING APART OF LAND FOR A RANCH

RED BRIDGE FARM (15610 HA.)

You are aware of the application by Red Bridge Farm to be leased a 15610 Ha piece of land for ranching purposes in Kwale District. The subject piece of land is situated in Kinango Division and is entirely Trust Land. The trust land in question comprises a piece of land measuring 23,410 Ha. At a meeting of the Council held on 1st December 1993 the Council considered the above applicant along with others and distributed allocation along the following lines:-

- | | | |
|----------------------------------------------------------|---|-------------|
| (a) Red Bridge Farm | - | 15610 Ha. |
| (b) Chenze Ranch | - | 12000 Acres |
| (c) Mbita Village residents
(for their exclusive use) | - | 5000 Acres |

The Council spelt out certain conditions to be met by the allottees before the (66 years) lease is effected. Misunderstandings cropped up which culminated in the shelving of the letter of allotment by you. Ever since communication between the applicants (Red Bridge Farm Ltd.) and the Council resumed. There has been assurance to the effect that no contemplated sale will be effected by the applicants. Besides, in their letter dated 26th September 1995 the applicants (Red Bridge Farm Ltd.) have pledged to undertake a number of projects for the community living around the project area. These include rehabilitation of the Ndavaya Road; rehabilitation of Ndavaya Borehole and re-cooping of the Dam; Construction of 4 No. classrooms for the Primary School and also construction of either a Library or Laboratory block in the Secondary School in the area. In light of these very tangible undertakings by the applicants and more so after consultations with the area M. P., it was decided that the setting apart forms can be filled and duly signed. Enclosed herewith please find the same duly signed as by procedure required. Minutes of the Council in support of this are also enclosed.

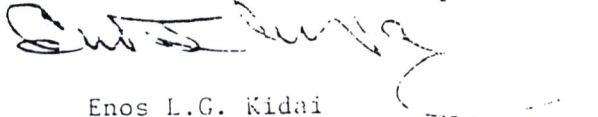
It is the wish of the Council that the setting apart of Chenze Ranch (12000 Acres) and Mbita Village (5000 Acres) should also be effected to ensure fair play on the part of the Council.

...../2-

5

CONFIDENTIAL

Yours faithfully,



Enos L.G. Kidai
Clerk to Council

c.c.

The District Commissioner
Kwale District
P.O. Box 1
KWALE

Encl.

ELGLK/fbg.

CONFIDENTIAL

COUNTY COUNCIL OF KWALE

Telephone: Kwale 4021

When replying please quote

Ref. No. CC/JWK/CONF: 3/4/40
and date



P. O. Box 4,
KWALE, Kenya

Date 17th January, 1997

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

Att. Mr. G. L. Mukofu

Dear Sir,

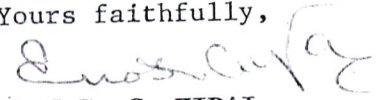
SETTING APART OF LAND FOR A RANCH - RED BRIDGE FARM (15,000 HQ.)

Thank you for your letter Ref.No. SF/LND/1/A/39 dated 11th October, 1996 that was addressed to you by the District Commissioner Kwale on the above referred subject. The Sentiments contained therein have been noted. The new developments raised by the District Commissioner notwithstanding, the council position on the matter is still unchanged.

These issues should have been raised and addressed prior to filling and signing the setting-apart forms. As you very well know the Setting Apart forms have been filled and signed the presumption being that all these issues and formalities were cleared.

As far as the Council is concerned, Red Bridge should be granted the title on the earlier conditions spelt out by the Council to them. Land issues have always been noted to raise disputes whichever way disputes will always be there and therefore writing for a day to come when there will be no disputes will be an expectation in futility.

Yours faithfully,


ENOS L. G. KIDAI
CLERK TO COUNCIL

C.C.
The District Commissioner, Kwale
KWALE DISTRICT

MINISTRY OF LANDS AND SETTLEMENT

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050-9
When replying please quote
Ref. No. 157407/58
and date



DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI
.....17/8/2005....., 20.....

RED BRIDGE FARM LTD.
P. O. BOX 11826,
NAIROBI.

RE: RANCLAND L.R. NO. 19128 SOUTH EAST OF VOI IN TAITA
TAVETA & KWALE DISTRICTS.

Referring to your letter dated 12th August 2005 .

The Government is in the process of re-issuing you with another Title deed of the said Land as soon as favourable comment from the County Council of Kwale , which I expect to get soon is received.

A handwritten signature in black ink, appearing to read 'R. O. Oludo'.

R. O. OLUDO

FOR: COMMISSIONER OF LANDS.

C.C.

THE CLERK
COUNTY COUNCIL OF KWALE
P. O. BOX 4,
KWALE.

DISTRICT COMMISSIONER
P. O. BOX 1 ,
KWALE.

all
you may write the brief
and give further guidance
on the matter.

RF Enclosure

13

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050-9
When replying please quote

PS 01
03.
05.



DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

Ref. No.157407452.....
and date

MINISTRY OF LANDS AND HOUSING

21st February, 2005

The Hon. Minister,
Ministry of Lands and Housing
NAIROBI



Thro'
The Permanent Secretary,
Ministry of Lands and Housing,
NAIROBI.

RE: CHENZE RANCH - KWALE DISTRICT

I refer to your request for a brief in respect of the above mentioned Ranch.

The Ranch is situated in Kinango Division of Kwale District. It is part of the Trust Land managed by the County Council of Kwale. At a meeting of the Council held on the 1st December, 1993, the Council considered three applicants for the allocation of portions of land comprising a total area of 32,000 hactares. The approval for allocation was distributed as follows:

- (a) Red Bridge Farm - 15.000 Ha.
- (b) Chenze Ranch - 4,856 ~~Ha.~~ *Acres*
- (c) Mbita Village - 2023 Ha.
(Residents (for their exclusive use)

The letter of allotment in respect of Red Bridge Farm was released on 4th March, 1994 - for a total of 15,000 hactares and a title issued thereafter. However, it later transpired that the process of setting apart of the land was not done and the issuance of the title was thus irregular. Red Bridge Farm were advised to surrender the title to facilitate correction of the anomaly and they obliged. The setting apart was then approved and gazetted vide Gazette Notice No. 187 of 14th January, 1994 and they are now waiting for the title to be re-issued.

Kindly note that the Directors of Red Bridge Farm are Ketan Kumar Virubhai Karanla and Vijal Kumar Chandulal Karanla.

With regard to Chenze Ranch, it appears the same has never been set apart. In my letter of even reference dated 16th January, 2002, I forwarded application forms for setting apart of the land for purposes of preparing Gazette Notices, but it appears the

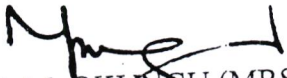
same have never been forwarded back. Chenze Ranch was also advised to obtain topographical maps in the scale of 1:50,000 from the Director of Surveys to facilitate the setting apart process & further documentation in respect thereof.

When I first spoke to Hon. Mwakwere on this issue, he was of the view that only Chenze Ranch is entitled to the whole of 32,000 hectares but later after I informed him that the Council had approved the allocation of 15,000 hectares to Red Bridge Farm and that they had actually been issued with a title, but which was returned only because of certain anomalies, he relented and said that Chenze Ranch would accept the 12,000 hectares for now. However, when some officials of Chenze Ranching Co-operative Society Limited came to see me on 26th January, 2005, they insisted that they should get the whole of the 32,000 hectares. From correspondence available it is clear that there are times when the County Council has recommended that the Chenze Co-operative be allocated 32,000 hectares but at other times they have recommended 12,000 acres because some of it had already been allocated elsewhere.

I am however of the opinion that the County Council of Kwale is rather undivided on whether any land should go to Red Bridge Farm.

I have been unable to progress this matter because of the current embargo on allocation of land.

Please may I have your instructions on the matter.


J. M. OKUNSU (MRS.)
COMMISSIONER OF LANDS



THE COUNTY COUNCIL OF KWALE

P. O. Box 4, Kwale Kenya. Telephone: 041 4101

CC/KWL/VET. 23/6.VOL. I/(63)

May 16th, 2008

Our Ref. No.

Your Ref. No.

Commissioner of Lands
P.O. Box 30089
NAIROBI

(Att. Mr. R. O. Olundo)

RE: CHENZE RANCH – RED BRIDGE FARM

We are in receipt of your letter Ref. No. 157407/54 of 6th April 2008 and now wish to respond as follows: -


The position of the Council is as communicated vide our letters NO. CC/KWL/CONF. 3/4 of 12th March 1996, CC/KWL/VET. 23/6/131 of 1st December 1993, CCK/VET 23/6/165 of 30th December 1995.

In re-affirming this decision, the Council has been guided by the following factors: -

- (i) That there has been sufficient correspondences on the subject matter.
- (ii) That consensus build in the past was premised on the understanding that all interest groups had been catered for and both the Council/public would benefit from the planned investments by Red Bridge.
- (iii) The Council had consented to the setting apart of the parcel vide Kenya Gazette Notice No.137 of January 1994. We have no recorded objections to the process.
- (iv) That a grant had been issued to Red Bridge Farm Limited after rigorous legal process.
- (v) Records clearly indicate that sentiments aired, much later, by the District Commissioner, Kwale were not bought by the Council.

In view of the above, you are now requested to have the process concluded. There is need to have the area (Kinango District) opened to investors.

All relevant minutes are forwarded.


J. M. Malinda
Clerk to Council

c.c.

District commissioner
Kinango District
P.O. Box 1
KINANGO



RED BRIDGE FARM

P.O. Box 22506 NAIROBI

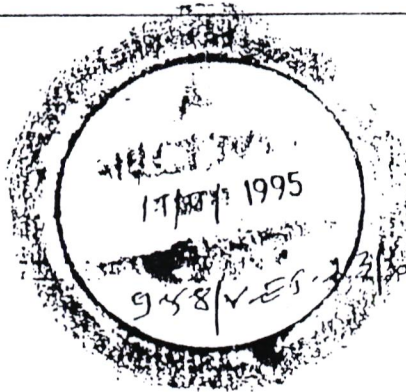
153

Our Ref:

Your Ref:

Date 26.9.95

The Clerk to Council,
Kwale County Council,
P. O. Box 4,
KWALE.



Dear Sir,

RE: RANCHING LAND - RED BRIDGE FARM LIMITED, KWALE DISTRICT
GRANT NO. C.R. 25484 L.R. 19128

This is in reference to Commissioner of Lands Letter 157407/(10) dated 2nd December, 1994 addressed to you and copied to the Permanent Secretary and Letter 157407/(11) dated 9th January, 1995 by the Commissioner of Lands addressed to the District Commissioner, Kwale and copied to you among others on the same.

This is to confirm that the company complied with Commissioner's letter 157407/6 dated 20th July, 1994 requesting the company to surrender the title back to his office for the setting apart of the Trust Land a process that had been inadvertently omitted during the issue of the Title.

It was the expectation of the company that the process would take a short time to finalise, but to date it is over one year without receiving any response from you.

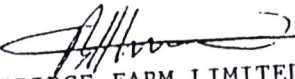
Consequently, the company was forced to withhold from its earlier development plans touching the plot. In addition, the company has seriously suffered financially as it had to cancel various agreements it had entered into with financial institutions with a view to embark on the intended plans.

The purpose of this letter is to remind your office about the return of the title and register our wish that the matter be expedited so that we may start our initial projects. The company would wish to point out that there was no anomaly noted as its acreage was not subject to any setting apart. It is the wish of the company to reassure the Council of our commitment to the local developments and immediately we receive the title, we shall ~~undertake at least four local projects~~ including rehabilitation of roads, construction of classrooms, starting of library and laboratory etc. You may therefore identify the specific areas and inform us. It is also our wish to confirm that the local residents will be given first priority when ever future employments occur within our company. It is also hoped that the local residents will appreciate our relations and give the maximum expectations to the company.

.....2/

Finally, we trust that you will finalise with the title and return the same for our mutual interest in development and co-operation.

Yours faithfully,


RED BRIDGE FARM LIMITED

C.C.

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

The Permanent Secretary,
P.O. Box 30450,
NAIROBI.

District Commissioner,
KWALE DISTRICT.

FILE NO. 157407/199

6

The Vice Chairperson

NATIONAL LAND COMMISSION

RE: RED BRIDGE FARM LIMITED – KWALE DISTRICT

The above mentioned land was allocated to Red Bridge Farm Ltd vide a letter of allotment dated 4th March, 1994 – See Folio (3). The Ranch measures 15,000 Ha. The allocation was after Setting Apart since this was Trust Land.

The legal fees was paid for vide receipt No. C – 828389 dated 21st March, 1994 and a grant was prepared and sent to Mombasa Land Registry and registered as C.R. No. 25484.

However, it later transpired that during the process of Setting Apart the land, one procedure, that is the signing of the relevant forms was inadvertently omitted. As a result, Red Bridge Farm was requested by the Commissioner of Lands to surrender the title so that the right procedure could be followed. – See Folio (26). The allottee complied and the Surrender of the title was duly registered.

The other reason why the Commissioner of Lands requested for the title to be surrendered was that during the process of first allocation to Red Bridge Farm Limited, the local leaders felt that they had not been consulted before the allocation was made.

After the surrender of the title was done, a fresh process for the Setting Apart and consultations with local leaders was initiated and successfully done and the completed setting apart forms were forwarded to the Commissioner of Lands – See Folios 34, 61, 67,84, 90 –92, 95, 98, 99 and 193.

The County Council of Kwale in their recommendation stated that at a meeting of the Council held on the 1st December, 1993, apart from endorsing reallocation to Red Bridge Farm Limited, it also recommended allocation to Chenze Ranch and Mbita village residents (for their exclusive use) to ensure fair play on the part of the Council. The approval for allocation was distributed as follows:-

- | | |
|---------------------|------------|
| (a) Red Bridge Farm | 15,000 Ha. |
| (b) Chenze Ranch | 4,856 Ha. |
| (c) Mbita Village | 2,023 Ha. |
- (Residents for their exclusive use).

The then Minister for Lands and Housing gave his direction at folio - (166) which persuaded the then Commissioner of Lands to write to the County Council of Kwale at Folio - (172). But the County Council reiterated their earlier stand at Folio - (193) which actually led to the reinstatement of Red Bridge Farm Limited title which was then registered as C.R. No. 45368.

However, it is not clear as to whether the parcels which were allocated to Chenze Ranch and Mbita Village Residents were ever documented.


OTIENO APPIDA
PLAO

18/12/2018



**NATIONAL LAND COMMISSION
KWALELE COUNTY OFFICE**

Ref: KWL/NLC/GRANTS REVIEWS/VOL.1/1.

COUNTY COORDINATOR,
P.O BOX 17 -80403,
KWALE.

THE PRINCIPAL LAND REGISTRAR
MOMBSASA REGISTRY,
P.O.BOX.
MOMBASA.

E-mail: Kalume.kashuru@landcommission.go.ke
10TH. April, 2018.

TEL: 0722679614

REF. REVIEW OF GRANTS AND DISPOSITIONS OF PUBLIC LAND.

The National Land Commission is established under Article 67 of the Constitution of Kenya 2010. Its functions include the management of public land on behalf of the national and county governments.

Under section 14 of the National Land Commission Act, 2012, the Commission is mandate to, on its own motion or upon complaint by the national or a county government, a community or an individual, review all grants and dispositions (titles to public land) to establish their propriety or legality.

The Commission has received numerous complaints regarding the legality some grants and dispositions. In line with Section 6 and 14 of the National Land Commission Act, 2012, the Commission is in the process of reviewing the following grants and dispositions.

1. LR.14210 – Kenya Triangie/Kuranze Group Ranch. *CR. 35790*
2. LR.14211 – Lunga Lunga Ranching (DA) Company LTD. – *CR 23616*
3. LR. 19128 – Kwale (Chenze) Ranch.
4. LR. 24030 – Mijikenda Ranching Cooperative Society. – *CR 47637 (vol)*

This is, therefore, to request your office to Caution/Restrict these titles until such a time the Commission completes reviewing them.

Yours faithfully,

Kalume Kashuru
National Land Commission County Coordinator,
Kwale County,

For: Chairman; National Land Commission.

Cc. Chairman; National Land Commission.
Commissioner A. Khalif; Convening Commissioner – Kwale County (As per your advice & direction).
CEO; National Land Commission.



NATIONAL LAND COMMISSION



REPUBLIC OF KENYA

PUBLIC NOTICE

REVIEW OF GRANTS AND DISPOSITION OF PUBLIC LAND – KWALE COUNTY

The National Land Commission was established pursuant to **Article 67 of the Constitution of Kenya, 2010. Article 67(2) of the Constitution and Section 5 of the National Land Commission Act, 2012** list the functions of the National Land Commission which include the management of public land on behalf of national and county governments.

The Commission, pursuant to section 6 of the **National Land Commission Act, 2012** has powers to gather information and compel the production of such information in the execution of its functions under the constitution, the **National Land Commission Act** and any other written Law.

The Commission has received numerous complaints regarding the legality of grants and disposition of **Kenya Triangle Ranch, Kwale Ranch, Mijikenda Ranch** and Lunga Lunga Ranch all in Kwale County, whose locations are described hereunder. Consequently, the Commission will in line with **Section 6 and 14 of the National Land Commission Act, 2012** require all persons claiming rights to the said ranches, and who can prove those rights to present documents in their possession, including those given to them by the defunct **County Council of Kwale** and the office of the former **Commissioner of Lands**.

The documents required for presentation are as follows:

1. ✓ A certified copy of the national identity card for individuals or a certified true copy of a certificate of incorporation for companies etc.
2. ✓ A copy of **KRA PIN** Certificate.
3. ✓ Minutes of the defunct **County Council of Kwale** or the **County Government of Kwale** approving allocation.
4. ✓ A copy of **Kenya Gazette Notice setting apart** the ranch from **Kwale Trust Land**.
5. ✓ Original or certified true copy of the letter of allotment from the office of the former **Commissioner of Lands or the National Land Commission**.
6. ✓ Copies of any receipts of payments made to any relevant government institution.
7. ✓ The original or certified true copy of the title documents.
8. A copy of current search made at the relevant **Land Registry**.
9. A copy of an approved **Survey Plan** from the **Director of Surveys**.
10. Any other relevant document that may help the Commission in making an informed decision.

The following are the legal descriptions of the subject properties:

1. Kenya Triangle Ranch, Kuranze (L.R. NO. 14210)

That part of **UTM Zone 37 degrees East, Kwale County**, more particularly described as follows:- Beginning at Boundary Point Pillar BP24 marking the boundary line between Kenya and Tanzania, the said Boundary Point having coordinates of N 9520091.80, E 470904.00; thence North 55 degrees 04 minutes 09 seconds West a distance of 39,209.05 metres along the said Kenya/Tanzania boundary to Angle Iron KTR7; thence North 70 degrees 17 minutes 32 seconds East a distance of 21,258.64 metres along the Boundary between Kwale and Taita Taveta Counties to an Angle Iron PU4; thence North 69 degrees 58 minutes 37 seconds East a distance of 7,403.48 metres along the said County Boundary to an Angle Iron WU1; thence North 70 degrees 06 minutes 10 seconds East continuing on the said county boundary a distance of 2,597.97 metres to an Angle Iron KTR; thence South 30 degrees 51 minutes 38 seconds East a distance of 14,945.73 metres to an Angle Iron KTRI; thence South 44 degrees 10 minutes 21 seconds East a distance of 9,741.28 metres to Angle Iron KTR2; thence South 41 degrees 23 minutes 38 seconds West a distance of 17,725.94 metres more or less, to the point of beginning.

This property is also described as follows:-

That part of **Kuranze Grazing Land** variously known as **Kenya Triangle Ranch, Kuranze Group Ranch** and also known as L.R. NO. 14210 according to Survey Records Office in Nairobi and described as follows:

Bounded on the north by **Mbale, Pura and Wushumbo Ranches**, all in **Taita Taveta County**, on the northeast by **Mwambeja Ranch (L.R. 16659)**, on the east by **Kwale Ranch (L.R. 19128)**, on the southeast by **Lunga Lunga Ranch, (L.R. 14211)**, and on the South by the Republic of Tanzania.

The above description using ground distances, and containing **69,691 hectares** more or less, all in **Kwale County, Kenya**.

2. Lunga Lunga Ranch, Lunga Lunga (L.R. NO. 14211)

That Part of **UTM Zone 37 degree East, Kwale County**, more particularly described as follows:- Beginning at Boundary Point Pillar BP24 marking the boundary line between Kenya and Tanzania, the said Boundary Point having coordinates of N 9520091.80, E 470904.00; thence North 41 degrees 23 minutes 38 seconds East a distance of 17,725.94 metres to Angle Iron KTR2; thence South 82 degrees 41 minutes 21 seconds East a distance of 16,194.90 metres to Angle Iron LLRI; thence South 09 degrees 18 minutes 38 seconds West a distance of 34,993.60 metres to Boundary Point Pillar BP11, the said Boundary Point Pillar having coordinates of N 9496791.70, E 504350.90; thence North

55 degrees 51 minutes 44 seconds West a distance of 40,762.60 metres more or less, along the said Kenya/Tanzania Boundary to the point of beginning.

This property is also described as follows:-

That part of **Lunga Lunga Grazing Land** known as **Lunga Lunga Ranch** and also known as **L.R. NO. 14211** according to **Survey Records Office Nairobi** and described as follows:

Bounded on the north by **Kwale Ranch (L.R. 19128)** on the east by **Kwale Community land**, on the south by the **Republic of Tanzania**, and on the northwest by **Kenya Triangle Ranch (L.R. 14210)**.

The above description using ground distances, and containing **63,039 hectares** more less all in Kwale County, Kenya.

3. Kwale Ranch (L.R. NO. 19128)

That part of UTM zone 37 degrees East Kwale County, more particularly described as follows:-

Beginning at Angle Iron KTR2, the said Angle Iron having coordinates N 953389.42 E 482625.02; thence N 44 degrees 10 minutes 21 seconds West a distance of 9,741.28 metres to Angle Iron KTRI; thence North 27 degrees 28 minutes 49 seconds East a distance of 8,402.35 metres to Angle Iron MR2; thence South 78 degrees 54 minutes 11 seconds South a distance of 9,929.54 metres to Angle Iron MR1a; thence South 01 degrees 15 minutes 06 seconds West a distance of 13,348.88 metres to Angle Iron LLR1a; thence South 82 degrees 41 minutes 21 seconds West a distance of 6,6000.00 metres to the point of beginning.

This property is also describe as follows:-

That part of **Mbita Grazing Land** variously known as **Chenze Group Ranch, Kwale Ranch** and also known as **L.R. NO. 19128** according to Survey Records Office in Nairobi and described as follows:-

Bounded on the north by **Mwambeja Ranch (L.R. 16659)** on the west by Kenya Triangle Ranch (L.R. 14210), on the south by **Lunga Lunga Ranch (L.R. 14211)**, and on the east by proposed **Mijikenda Ranching (Co-operative) Society (L.R. 24030)**.

The above description using ground distances, and containing **15,000 hectares** more or less, all in **Kwale County, Kenya**.

4. Mijikenda Ranching (Co-operative) Society (L.R. No. 24030)

That part of UTM zone 37 degrees East, Kwale County, more particularly described as follows:-

Beginning at Angle Iron MR1a, the said Angle Iron having coordinates N 9545895.25 E 489462.96; thence 78 degrees 54 minutes 11 seconds East a distance of 3,628.06 metres to an Angle Iron, thence south 01 degrees 15 minutes 06 seconds West a distance of 13,348.88 metres to an Angle Iron; thence North 83 degrees 41 minutes 21 seconds West a distance of 3,633.06 metres to Angle Iron LLR1a; thence North 01 degrees 15 minutes 06 seconds East a distance of 13,348.88 metres to the point of beginning.

This property is also described as follow:-

That part of **Mbita Grazing Land** variously known as **Mijikenda Ranching (Co-operative) Society** and also known as L.R. No.24030 according to **Survey Records Office in Nairobi** and described as follows:

Bounded on the north by **Mwambeja Ranch (L.R. 16659)**, on the east by **Kwale Community Land**, on the south by **Lunga Lunga Ranch (L.R. 14211)**, and on the west by **Kwale Ranch (L.R. 19128)**.

The above description using ground distances, and containing **4,856 hectares** more or less, all in **Kwale County, Kenya**.

ALL the above mentioned documents together with any presentations that may assist the Commission make an accurate determination must be presented to the address below:

**The Secretary/CEO
National Land Commission
Ardhi House, 1st Ngong Avenue
P.O. Box 44417 – 00100
NAIROBI.**

The Secretary/CEO, National Land Commission or his representative will be receiving the documents and presentation starting **7th September, 2015** and closing **21st September, 2015 between 9.00 a.m and 5.00 pm** every day except weekends and public holidays. No document or presentation shall be accepted outside those hours and after the expiry of the deadline.

**MR. TOM A. CHAVANGI
SECRETARY/CEO
NATIONAL LAND COMMISSION
P.O. BOX 44417 – 00100
NAIROBI.**

Website: www.nlc.or.ke

s/no	PROPERTY DESCRIPTION	LOCATION	INTERESTED PARTIES	VENUE, DATE & TIME
136	PLOT NO.336		Vivan Kingi Kahindi Fredrick Kwicha Mwamure Kawambi Pola Karisa Beatrice Salama Lungange	
137	PLOT NO.337		Joseph Katana Joseph Ngumbao Mwachima Safari Nyanze Taura Kazungu Nyulie Chuye Kazungu Nyulie Chuye Nyeu Nyulie Chuye Kiti Churo Jambao Kacie Tsami Baya David Dama Churo Bekei Abdalla Kabathe Kio Mwanza Thoya Lazima Kisaao Goma Fatumu Karisa Ndoro Churo David Katana Moses Karisa Mwamure Joseph Ngumbao Mwachima Patricia Dama Baya Changawa Ngari Yaa Christine Nyevu Baya Josephine Katana Said	
138	PLOT NO.338		Kaingu Kambi Jira Karisa Katana Kadenge Bendera Baya Thoya Ngumbao Karisa Katana Kazungu Kaingo Katana Kenga Karisa Mwambaru - Zimba Mwilo transferred to Isaac Locho Zimba Mwilo	
139	PLOT NO.339		Kazungu Dzimba Kenga Karisa Mwambaru Kahindi Dadu Kazungu Aine Katha Meme Churo Zimba	
140	PLOT NO.340		Kazungu Khesi Mwabonje Kadhii Nguma Kahindi Dadu	
141	PLOT NO.341		Amiri Khamisi Sii Nzoka, Katara Mwanyale	
142	PLOT NO.344		Wallace Maina Michire Mwabungu Mwamure Kingi Gande Munga	
143	PLOT NO.345		Habeli Kambo Mwambo Sidi Hare Kiraga James Jirwa Chai Bendera Chai Nzaro Soti Havesis Church Anthony Bahati Kahindi	
144	PLOT NO.353		Befero Limited, Stephen Masha Sira, Mamand Salim	
145	PLOT NO.382		(Georgia Cells) Coastal Breeze Ltd, Julius Mwivithi	
146	PLOT NO.385		Joyce Kachimbizi Baya Kenga Churo Luganje Ziro Gibson Gaya Idi Army Family Handu Kavere Kenga Karisa Bjambo Kamson Kaluma Gonga Kamson Kaluma Randu Fondo James Katana	
147	PLOT NO.386		Daniel Mweni Katana Samuel Ponda Tsangwa Prisca Filiti Mwanzani Davis Mwangizi Mwamure, Rebecca, Florence Kalume	
148	PLOT NO.389		Chengo Kyumbi Misingila, Chengo Ndoro, Francis Muryo Mulinge	
149	PLOT NO.407		Churo Kisaao Kipast, Hilda Investments, Joseph Kashuru Mumbo, Kahindi, Thoya Karisa	
150	PLOT NO.422		Mayungu Limited, Karisa Dhuri Kombe, Mayungu Limited	
151	PLOT NO.430		Stanislaus Ngala Mwangandi, Lilian Bahati Masha, Stanislaus Ngala Lilian Bahati Masha	
152	PLOT NO.431		Kazungu Churo Mwamure, Bakari Abdalla Kabathe	
153	PLOT NO.432		Veronica Mbatika Mutiso Ashron Kiveli Sio, Humphrey Sio,	

The Commission invites all interested parties to submit five (5) copies of their written representations and documents to the National Land Commission, Office of the Secretary, County Land Management Board (CLMB), Kilifi County, at the Ministry of Housing Offices, Kilifi, by Friday, 4th September, 2015.

All interested parties are invited to submit original plot allocation documents during hearings and to collect a copy of the official complaint in respect of the listed properties.

DR. MUHAMMAD A. SWAZURI, PHD, OGW,
CHAIRMAN, NATIONAL LAND COMMISSION

s/no	PROPERTY DESCRIPTION	LOCATION	INTERESTED PARTIES	VENUE, DATE & TIME
154	PLOT NO.434		Eto Masha Kabao Alphonse Masha Katana Mathaniel M. Gandi Ngongo Jairus Munga Nellie Wanjiku Gichuki Daniel Munze Kari	
149	PLOT NO.435		Jairus Munga Lawrence Muramba	
150	PLOT NO.437		Joseph Chengo Safari, Jennifer Mahoo Kalemba, Rachel Kapombe Mataré, Eunice Tabu Chirume, Samira Dausooko Shoka, Morris Daniel Unda, Anthony Deche Chonga.	
151	PLOT NO.438		Wilson Kenga Gunga, Changawa Kenga Gunga, Daniel Randu Konde.	
152	PLOT NO.487		Nicholas Kahindi Chengo	
153	PLOT NO.9		Sofa Baroa Boni Leonard Karisa Churo Ngumbao Kazungu Birya, Safu Barao Bomba Hamisi Karisa Karisa Kazungu	
154	PLOT NO.12		Karisa Kazungu Family, Hamisi Karisa Katana Churo	
155	PLOT NO.22		Gidon Koya Mwangongo Churo Buru Katana Churo	
156	PLOT NO.62		Bakar Maita Mweni	
157	PLOT NO.64		Kisaao Family Ibrahim Mda Jenoh Kisaao Mugaala	
158	PLOT NO.86		Kazungu Gunga (deceased) Erick Kazungu Baya an official buyer.	
159	PLOT NO.145		Said R. Machangona Clifford Yogo Dzombo Charles Mwopanda Macdonald Mewa Mkare I Maureen Namadi Kinyundo	
160	PLOT NO.168		Samuel Mwanberi Brodherson Kangul Mwanga Kaingu Nyiro, Mwamari Kaingu Nyiro, Mbogo Kaingu Nyiro, Kaingu Nyiro, Kalenga Kaingu Nyiro, Samuel Mwanberi, Mungu Kaingu Nyiro, Mwamari Kaingu Nyiro, Kalenga.	
161	PLOT NO.193		Kashuru Baya Edison Angore Kadzazamba Majengo Luganje Ziro	
162	PLOT NO.194		Kazungu George Kazagamba Dzondere Kazitu Kazagamba	
163	PLOT NO.270		Mayungu Limited Jonathan Ngarama Mangi	
164	PLOT NO.317		Jeremiah Mwaha Joshua Orasto Orato	
165	PLOT NO.320		Kilibe Dio, Wachira	
166	PLOT NO.423		Sammy Kioko Kazungu Thoya Hoborn properties Limited	