

Approved for tabling in the House.

SWA
5/10/2021



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION – 2021

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON-

(PUBLIC PETITION No. 50 OF 2020)

BY REGISTERED OWNERS OF PARCELS OF LAND IN TIWI, SHIMBA NORTH
KUNDUSTI 'B' IN MATUGA CONSTITUENCY REGARDING IRREGULAR
ANNEXATION AND FENCING OF PRIVATE LAND BY GREATCOM LIMITED

DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

OCTOBER 2021


	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 OCT 2021	
DAY: TUESDAY	
TABLED BY:	CHAIR, DC - LANDS HON. (DR). RACHAEL NYAMU, CBS, MP
CLERK-AT THE-TABLE:	BENSON INZOFE

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CHAIRPERSON'S FOREWORD

The Hon. Tandaza Kassim Sawa MP, on behalf of the Petitioners, conveyed Public Petition No. 50 of 2021 by registered owners of parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency regarding irregular annexation and fencing of private land by Greatcom Limited to the House on 6th July 2021.

In considering the Petition, the Committee met the Petitioners on 9th August 2021 in Parliament Buildings and 21st August 2021 in Matuga Constituency. The Committee also met the Cabinet Secretary for Lands and Physical Planning on 22nd September 2021 in Parliament Buildings. The Committee undertook a field visit to Matuga Sub County on 21st August 2021 and held meetings with officers of the relevant government departments in the County.

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 Cabinet Secretary, Ministry of Lands and Physical Planning, the Petitioners and National Government officers stationed in Kwale County for the submissions they made to the Committee.

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 Land on its consideration of Public Petition No. 50 of 2021 by registered owners of parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency regarding irregular annexation and fencing of private land by Greatcom Limited.



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

EXECUTIVE SUMMARY

The purpose of this report is to respond to prayers made by the Petitioners in Public Petition No. 50 of 2021 by registered owners of parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency regarding irregular annexation and fencing of private land by Greatcom Limited.

The Petitioners prayed that the National Assembly through the Departmental Committee on Lands intervenes to:

- i. Investigate the circumstances under which M/S Greatcom Ltd illegally fenced off private land belonging to fifty families;
- ii. Compel M/S Greatcom Ltd to immediately vacate the encroached land to enable the petitioners settle on their land and access public utilities that have been fenced off;
- iii. Cause the concerned national government departments to resurvey the area to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2;
- iv. Restrain M/S Greatcom Ltd from any further development on the petitioners' land pending resurvey; and
- v. Make any other recommendations deemed fit in safeguarding the petitioners' rights.

Regarding prayer (i), the Committee observed that copies of the titles and official searches, conducted on 19th April 2021, availed to the Committee by the Petitioners and the Ministry of Lands & Physical Planning, indicate that various parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency are registered to the Petitioners.

The Committee further observed that the Ministry of Lands and Physical Planning submitted that Greatcom Ltd purchased a parcel of land, adjacent to the Petitioners land, known as Mbella Farm registered as Kwale /Tiwi LR No. 4752/2 measuring 404.5 hectares from Maruma Holdings Company Limited on May 10, 2013.

The Committee also observed that the parcels of land held by the Petitioners and the Greatcom land LR. L.R. 4752/2, were surveyed on 7th September 2021. Based on the resurvey the Kwale County Surveyor concluded that the electric fence constructed by Greatcom Ltd falls out of the survey plan boundary of L.R. 4752/2 with an approximate 100 m.

The Committee is convinced that Greatcom Ltd encroached into forty-five (45) parcels of land belonging to the Petitioners over a 3 km stretch in the adjudicated area of Kundutsi 'B'

On the prayer seeking to compel M/S Greatcom Ltd to immediately vacate the encroached land to enable the petitioners settle on their land and access public utilities that have been fenced off. The Committee observed that the submissions by the Ministry of Lands and Physical Planning, particularly the findings of a resurvey of the land in question, indicated that land acquired by Greatcom Ltd, L.R. 4752/2 does not include the portions of land belonging to the Petitioners.

Consequently, there is need for M/S Greatcom Ltd to remove the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2

Regarding the third prayer, seeking the concerned national government departments to resurvey the area to ascertain the boundary between the petitioners' land and L.R. No. Kwale/Tiwi 4752/2. The Committee observed that Greatcom Ltd applied to the Ministry for a resurvey of L.R. 4752/2 to establish the boundaries and participated in the exercise conducted on 7th September 2021 to witness the reestablishment of the beacons.

Therefore, the Committee concluded that the prayer seeking resurvey of the disputed boundary between the petitioners' parcels of land and land held by Greatcom Ltd had been addressed.

In response to the fourth prayer the Committee noted that based on the submissions of the Petitioners, the encroachment and annexation of Kundutsi B parcels of land by Greatcom Ltd denied the petitioners access to their land, investments thereon and various public amenities including access to public schools on the opposite side of the fenced area in violation of the right to property. Consequently, pupils walk through alternative longer routes to access the said public schools.

The Committee also observed that apart from the electric fence erected by Greatcom Ltd no other development was being undertaken on the annexed parcels of land belonging to the petitioners. The Committee also observed that the Committee M/S Greatcom expressed willingness to remove the fence upon conclusion of the resurvey process.

The Committee recommends that Greatcom Ltd removes the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2 as determined by the resurvey exercise conducted on 7th September, 2021 by the Ministry of Lands and Physical Planning within thirty days of the tabling of this Report.

The Committee further recommends that the Cabinet Secretary of the Ministry of Lands and Physical Planning in consultation with the County Government of Kwale and the National Land Commission ensures that Greatcom Ltd allows access of public pathways within L.R 4752/2 to facilitate, among other things, the movement of pupils to adjacent public school within three months of the tabling of this Report.

1.0 PREFACE

1.1 Mandate of the Committee

2. 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

3. The Committee is mandated to consider the following subjects:
 - a) Lands
 - b) Settlement

1.3 Oversight

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

1.4 Committee Membership

5. The Committee membership comprises: -

Chairperson

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

Vice Chairperson

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

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

Hon Joshua Kutuny Serem, MP
Cherangany Constituency
Jubilee Party

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

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

Hon. Ahmed Kolosh, MP
Wajir West Constituency
Jubilee Party

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

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

Hon. Caleb Kipkemei Kositany, MP
Soy Constituency
Jubilee Party

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

Hon George Risa Sunkuyia, MP
Kajiado West Constituency
Jubilee Party

Hon. John Muchiri Nyaga, MP
Manyatta Constituency
Jubilee Party

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

Hon. Lilian Tomitom, MP
West Pokot County
Jubilee Party

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

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

Hon. Samuel Kinuthia Gachobe, MP
Subukia Constituency
Jubilee Party

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

1.5 Committee Secretariat

6. The Committee secretariat comprises: -

Lead Clerk

Mr. Leonard Machira
Senior Clerk Assistant

Mr. Ahmad Guliye
Clerk Assistant II

Dr. Kefa Omoti
Principal Researcher Officer

Ms. Jemimah Waigwa
Legal Counsel I

Mr. Joseph Okongo
Media Relations Officer

Mr. Adan Abdi
Fiscal Analyst II

2.0 INTRODUCTION

7. The Hon. Tandaza Kassim Sawa MP, on behalf of the Petitioners, conveyed Public Petition No. 50 of 2021 by registered owners of parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency regarding irregular annexation and fencing of private land by Greatcom Limited to the House on 6th July 2021.
8. The Petitioners wished to draw to the attention of the House to the following, that:
 - a. The government of Kenya embarked on land adjudication and issuance of title deeds to land owners in various parts of the county from the late 1960s to the 1980s.
 - b. Land in Tiwi, Shimba North Kundusti in Matuga Constituency was adjudicated, and title deeds issued to the petitioners as proof of ownership of various parcels of the said land.
 - c. The petitioners have lived on and exploited their respective registered land to sustain their needs since the adjudication.
 - d. Adjoining the parcels of land owned by the petitioners is a registered as Kwale /Tiwi LR No. 4752/2 I favour of Maruma Holdings. The petitioners have since learnt that M/S Greatcom Ltd purchased the entire parcel of land from Maruma Holdings.
 - e. In April 2021, the proprietors of M/S Greatcom Ltd with the protection of police officers encroached annexed and fenced off private land registered in the names of the petitioners as part of the parcel of land held by Greatcom Ltd.
 - f. The parcels of land registered to the petitioners are private land and have never been part of LR No. Kwale / Tiwi 4752/2 that M/S Greatcom Ltd purchased from Maruma Holdings.
 - g. Greatcom Ltd has denied the petitioners access to their land, investments thereon and various public amenities within the annexed zone in violation of the right to property.
 - h. The petitioners sought assistance from various state institutions including the Kwale County Commissioner in vain.
 - i. The petitioners not only risked being rendered squatters on their own land but also losing their livelihood if the illegal encroachment land by Greatcom Ltd is not reversed.

- j. The matters raised in the Petition are not pending before any court of law, constitutional or legal body.

9. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands intervenes to:

- i. Investigate the circumstances under which M/S Greatcom Ltd illegally fenced off private land belonging to fifty families;
- ii. Compel M/S Greatcom Ltd to immediately vacate the encroached land to enable the petitioners settle on their land and access public utilities that have been fenced off;
- iii. Cause the concerned national government departments to resurvey the area to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2;
- iv. Restrain M/S Greatcom Ltd from any further development on the petitioners' land pending resurvey; and
- v. Make any other recommendations deemed fit in safeguarding the petitioners' rights.

3.0 SUBMISSIONS

3.1 Submissions by the Petitioners

10. The Committee met the Petitioners on 5th August, 2021 in Parliament Buildings and on 21st August 2021 during a visit to Matuga Sub - County. The Petitioners informed the Committee as follows:
11. The Petitioners are the rightful owners of various parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency having been legally adjudicated and issued with title deeds.
12. The petitioners enjoyed the right to the said property until February 2021. When a company known as Greatcom Ltd fenced and annexed part of their land. The said encroachment has denied the petitioners access to their farms within the fenced off land.
13. Greatcom Ltd purchased an adjustment parcel of land Known as Mbella Farm registered as Kwale /Tiwi LR No. 4752/2 I that was initially Maruma Holdings. The land acquired by Greatcom Ltd does not include the portion belonging to the petitioners illegally annexed by the Company.
14. In April 2021, the proprietors of M/S Greatcom Ltd with the protection of police officers encroached annexed and fenced off private land registered in the names of the petitioners as part of the parcel of land held by Greatcom Ltd.
15. Greatcom Ltd denied the petitioners access to their land, investments thereon and various public amenities including access to public schools on the opposite side of the fenced area in violation of the right to property. Consequently, pupils walk through alternative longer routes to access the said public schools.
16. The petitioners also alleged that they faced harassment from private guards hired by Greatcom Ltd whenever they attempted to access the annexed land to fetch firewood and harvest their crops.
17. The petitioners sought assistance from various state institutions including the Kwale County Commissioner and the local police in vain. Further the concerned national government departments, particularly the County Surveyor promised to resurvey the parcels of land in question to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2 on 10th August 2021. However, the exercise was postponed to 12th August, 2021 and it did not proceed as rescheduled.
18. The Petitioners prayed that the Committee intervenes to ensure that the land in question is resurveyed to determine the correct boundaries between the petitioners' land and the land held by Greatcom Ltd and the opening of public access roads in the area.

3.2 Submissions by relevant government officials during field visit to Matuga Sub County

19. The Committee undertook a field visit to Mwatate Sub County on 20th August 2021. During the field visit, relevant government officials briefed the Committee as follows:
20. The Deputy County Commissioner Matuga Sub County informed the Committee that the affected residents made a complaint regarding encroachment of their parcels of land in April 2021. after the construction of a fence by Greatcom Ltd. The County Criminal Investigation Officer opened an inquiry file and investigations on the matter were ongoing.
21. Subsequently, the County Security Committee resolved that the County Surveyor resurveys that land in question on 10th August 2021, but the officer was indisposed, and the exercise did not proceed as planned.
22. The County Police Commander refuted the claims made by the petitioners that Greatcom Ltd fenced off the land in question with the aid of police officers.
23. The Kwale County Surveyor informed the committee that the preliminary plotting of picked data for the electric fence constructed by Greatcom Ltd against the survey plan of the land in question indicated that electric fence had encroached 100 meters into the Shimba North / Kundutsi B / parcels the parcels of land held by the Petitioners.
24. Based on the preliminary survey on 23 of the affected parcels conducted on 4th June 2021 by the Kwale County Surveyor concluded that the electric fence constructed by Greatcom Ltd falls out of the survey plan boundary of Mbella Farm with an approximate 100 meters and encroached into forth five (45 parcels of land over a 3 km stretch the adjudicated area of Kundutsi B parcels of land.
25. The County Surveyor recommended a resurvey and realignment of the disputed boundary in the presence of the two parties.

3. 3 Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning

26. The Committee met the Cabinet Secretary, Ministry of Lands and Physical Planning on 22nd September 2021. The Cabinet Secretary informed the Committee as follows:
27. According to the Ministry records, land parcel L.R. No 4752 (C.R. 8561) measuring 404.7 hectares (one thousand acres) was registered in the name of BrierJey formerly of Aden on November 1 5, 1933.

28. On 8th October 1943 the parcel was transferred to Diani Estates Limited and on 15th March, 1978 the parcel was transferred to Jeremiah Njoroge. Subsequently, on 28th May, 1980 the parcel was transferred to Maruma Holdings Company Limited.
29. In a letter dated May 22, 1980, Maruma Holdings Company Limited applied for extension of lease (Annexure 25) and vide a letter Ref: 46474/102 dated 12th November 1981 the Commissioner of Lands approved the extension of lease to 999 with effect from January 1, 1914.
30. Maruma Holdings Company Limited subdivided the parcel giving rise to L.R. No. 4752/1 (now L.R. No. 12800) and L.R. No 4752/2. The subdivision excised a 150*x150* plot (L.R. No. 4752/ 1 measuring 0.2133 hectares) for establishing an electricity substation for the Kenya Power and Lightning Company Limited.
31. L.R. 4752/2 measuring 404.5 hectares was re-granted to Maruma Holdings Company Limited and registered as CR. 16746 on March 16, 1984). The term of the leasehold title was endorsed to commence on 1st December 1981 for 932 years and 1 month being the residue of the initial 999-year term approved.
32. On May 10, 2013, Maruma Holdings Company Limited transferred L.R. 4752/2 to Greatcom Limited.
33. The Ministry is aware of the complaint by the Petitioners. Greatcom Limited applied to the Ministry for a resurvey of L.R. 4752/2 to establish the boundaries. The County Land Surveyor, Kwale summoned all interested parties on 7th September 2021, to witness the reestablishment of the beacons. The survey exercise took place on September 7, 2021. The Kwale County Surveyor reported the following findings:
 - a. Old beacons W2, T2, T3, T4, AND nrd4 (which delineate the extents of land parcel LR. No. 4752/2 were all found in situ in their correct positions).
 - b. The electric fence erected by the proprietor of parcel LR No. 4752/2 deviates from its common boundary with the Kundutsi B registration section by an average of 100 meters.
 - c. Wood pegs were placed along the disputed boundary at an average of approximately 100 m to clearly mark the boundary.
 - d. On the ground within the boundaries of plot LR. No. 4752/2, there is a murram road maintained by the County Government of Kwale from Mwachema area heading towards Debwe area which has been fenced off. However, this road does not appear in any map published by the Director of Survey.

ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

i. Investigate the circumstances under which M/S Greatcom Ltd illegally fenced off private land belonging to fifty families:

Regarding the prayer seeking investigations into the circumstances under which M/S Greatcom Ltd illegally fenced off private land belonging to fifty families. The Committee observed that copies of the titles and official searches, conducted on 19th April 2021, availed to the Committee by the Petitioners and the Ministry of Lands & Physical Planning, indicate that various parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency are registered to the Petitioners.

The Committee further observed that the Ministry of Lands and Physical Planning submitted that Greatcom Ltd purchased a parcel of land, adjacent to the Petitioners land, known as Mbella Farm registered as Kwale /Tiwi LR No. 4752/2 measuring 404.5 hectares from Maruma Holdings Company Limited on May 10, 2013.

The Committee also observed that the parcels of land held by the Petitioners and the Greatcom land L.R. L.R. 4752/2, were surveyed on 7th September 2021. Based on the resurvey, the Kwale County Surveyor concluded that the electric fence constructed by Greatcom Ltd falls out of the survey plan boundary of L.R. 4752/2 with an approximate 100 m.

The Committee is therefore convinced that Greatcom Ltd encroached into forty-five (45) parcels of land belonging to the Petitioners over a 3 km stretch in the adjudicated area of Kundutsi 'B'.and the said encroachment is illegal.

ii. Compel M/S Greatcom Ltd to immediately vacate the encroached land to enable the petitioners settle on their land and access public utilities that have been fenced off.

On the prayer seeking to compel M/S Greatcom Ltd to immediately vacate the encroached land to enable the petitioners settle on their land and access public utilities that have been fenced off. The Committee observed that the submissions by the Ministry of Lands and Physical Planning, particularly the findings of a resurvey of the land in question, indicated that the land acquired by Greatcom Ltd, L.R. 4752/2 does not include the portions of land belonging to the Petitioners.

Consequently, there is need for M/S Greatcom Ltd to remove the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2.

- iii. Cause the concerned national government departments to resurvey the area to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2:**

Regarding the third prayer seeking the concerned national government departments to resurvey the area to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2. The Committee observed that Greatcom Ltd applied to the Ministry for a resurvey of L.R. 4752/2 to establish the boundaries and participated in the exercise conducted on 7th September 2021 to witness the reestablishment of the beacons.

Therefore, the Committee concluded that the prayer seeking resurvey of the disputed boundary between the Petitioners' parcels of land and land held by Greatcom Ltd had been addressed.

- iv. Restrain M/S Greatcom Ltd from any further development on the petitioners' land pending resurvey:**

In response to the fourth prayer the Committee noted that based on the submissions of the Petitioners, the encroachment and annexation of Kundutsi B parcels of land by Greatcom Ltd denied the petitioners access to their land, investments thereon and various public amenities including access to public schools on the opposite side of the fenced area in violation of the right to property. Consequently, pupils walk through alternative longer routes to access the said public schools.

The Committee also observed that apart from the electric fence erected by Greatcom Ltd no other development was being undertaken on the annexed parcels of land belonging to the petitioners. The Committee also observed that the Committee M/S Greatcom expressed willingness to remove the fence upon conclusion of the resurvey process.


The Committee observed that the submissions by the Ministry of Lands and Physical Planning, particularly the findings of a resurvey of the land in question, indicated that land acquired by Greatcom Ltd, L.R. 4752/2 does not include the portions of land belonging to the Petitioners.

Consequently, there is need for M/S Greatcom Ltd to remove the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2

5.0 COMMITTEE RECOMMENDATIONS

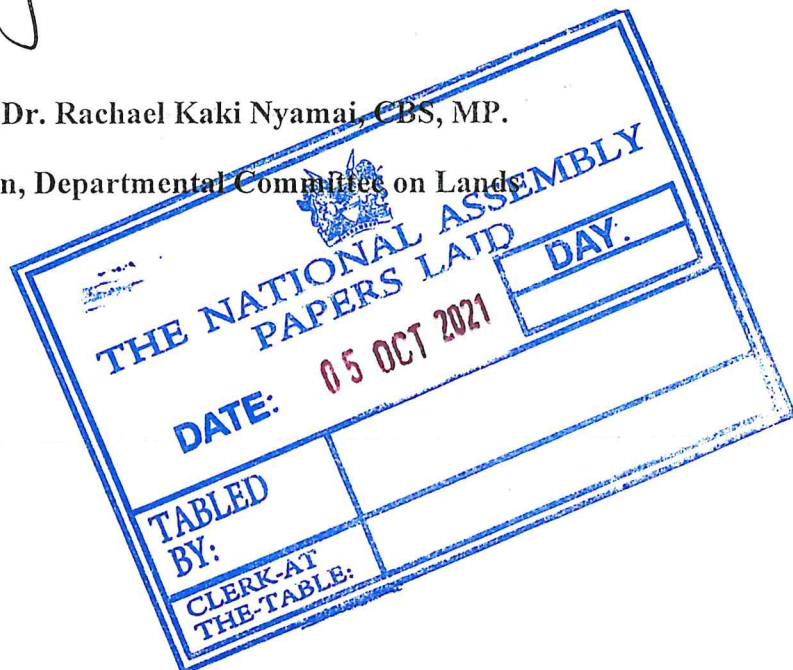
Pursuant to Standing Order 227, the Committee recommends as follows:

1. **THAT** Greatcom Limited removes the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2 as determined by the resurvey exercise conducted on 7th September 2021 by the Ministry of Lands and Physical Planning within thirty days of the tabling of this Report.
2. **THAT** the Cabinet Secretary of the Ministry of Lands and Physical Planning in consultation with the County Government of Kwale and the National Land Commission ensures that Greatcom Ltd allows access of public pathways within L.R 4752/2 to facilitate among other things the movement of pupils to adjacent public schools within three months of the tabling of this Report.

Signed..........Date.....05/10/2021.....

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

Chairperson, Departmental Committee on Lands





REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY
TWELFTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON LANDS

Adoption List

Report on the Petition regarding irregular annexation & fencing by Greatcom Limited of private land in Tiwi, Shimba North Kunditsi 'B' in Matuga Constituency

Date: 25/09/2021

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

**MINUTES OF THE 49TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON SATURDAY 25TH SEPTEMBER 2021 AT TAMARIND HOTEL,
MOMBASA 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. Benjamin Washiali, CBS, MP | |
| 4. Hon. Joshua Kutuny, MP | |
| 5. Hon. Omar Mwinyi, MP | |
| 6. Hon. Ahmed Kolosh, MP | |
| 7. Hon. Ali Mbogo, M.P | |
| 8. Hon. Caleb Kositany, MP | |
| 9. Hon. George Risa Sunkuyia, M.P | |
| 10. Hon. John Muchiri Nyaga, MP | |
| 11. Hon. Owen Yaa Baya, M.P | |
| 12. Hon. Patrick Munene Ntwiga, MP | |
| 13. Hon. Samuel Kinuthia Gachobe, MP | |
| 14. Hon. Teddy Mwambire, MP | |

APOLOGIES

1. Hon. Mishi Mboko, M.P
2. Hon. Babu Owino, MP
3. Hon. George Aladwa, M.P
4. Hon. Josphat Gichunge Kabeabea, M.P
5. Hon. Lilian Tomitom, MP

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|---------------------------|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant |
| 2. Mr. Leonard Machira | - | Senior Clerk Assistant |
| 3. Mr. Ahmad Guliye | - | Second Clerk Assistant |
| 4. Dr. Kefa Omoti | - | Research Officer |
| 5. Ms. Jemimah Waigwa | - | Legal Counsel |
| 6. Ms. Maureen Kweyu | - | Audio Officer |
| 7. Ms. Peris Kaburi | - | Serjeant At Arms |
| 8. Ms. Mercy Mutuku | - | Intern |

MIN. NO. NA/DDC/LANDS/2021/172: PRELIMINARIES

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

MIN. NO. NA/DDC/LANDS/2021/173: ADOPTION OF THE REPORT ON A PETITION REGARDING IRREGULAR ANNEXATION & FENCING BY GREATCOM LIMITED OF PRIVATE LAND IN TIWI, SHIMBA NORTH KUNDITSI 'B' IN MATUGA CONSTITUENCY

The Committee considered the report on a Petition regarding irregular annexation and fencing by Greatcom Ltd of private land in Tiwi, Shimba North Kunditsi 'B' in Mmatuga Constituency and adopted it with the following observations and recommendations after it was proposed and seconded by Hon. Ahmed Kolosh, MP and Hon. Benjamin Washiali, MP, respectively;

Observations

The Committee made the following observations:

1. Copies of the titles and official searches for various parcels of land in Tiwi, Shimba North Kundusti B in Matuga Constituency conducted on 19th April 2021, availed to the Committee, indicate that the land in question is registered to the Petitioners.
2. The Ministry of Lands and Physical Planning submitted that Greatcom Ltd purchased a parcel of land, adjacent to the Petitioners land, known as Mbella Farm registered as Kwale /Tiwi LR No. 4752/2 measuring 404.5 hectares from Maruma Holdings Company Limited on May 10, 2013.
3. A survey on parcels of land held by the Petitioners and the Greatcom land LR. L.R. 4752/2 conducted on 2021 the Kwale County Surveyor concluded that the electric fence constructed by Greatcom Ltd falls out of the survey plan boundary of L.R. 4752/2 with an approximate 100 m.
4. In view of paragraph 4, Greatcom encroached into forty-five (45) parcels of land over a 3 km stretch in the adjudicated area of Kundutsi B belonging to the Petitioners.
5. The submissions made to the Committee by the Ministry of Lands and Physical Planning indicate that land acquired by Greatcom Ltd, L.R. 4752/2 does not include the portions of land belonging to the Petitioners.
6. Based on the submissions of the Petitioners, the encroachment and annexation of Kundutsi B parcels of land by Greatcom Ltd denied the petitioners access to their land, investments thereon and various public amenities including access to public schools on the opposite side of the fenced area as the existing public access roads/paths within the annexed zone were blocked in violation of the right to property. Consequently, pupils walk through alternative longer routes to access the said public schools.

7. Greatcom Limited applied to the Ministry for a resurvey of L.R. 4752/2 to establish the boundaries and participated in the exercise conducted on 7th September 2021 to witness the reestablishment of the beacons.
8. Based on the submissions to the Committee expressed willingness to remove the fence upon conclusion of the resurvey process.

Recommendations

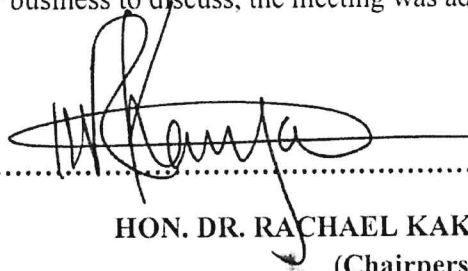
The Committee recommended as follows;

1. **THAT** Greatcom Limited removes the electric fence encroaching on the Petitioners parcels of land to align it with the boundaries of L.R 4752/2 as determined by the resurvey exercise conducted on 7th September 2021 by the Ministry of Lands and Physical Planning within thirty days of the tabling of this Report.
2. **THAT** the Cabinet Secretary of the Ministry of Lands and Physical Planning in consultation with the County Government of Kwale and the National Land Commission ensure that Greatcom allows access of public path ways within L.R 4752/2 to facilitate among other things the movement of pupils to adjacent public schools within three months of the tabling of this Report.

MIN. NO. NA/DDC/LANDS/2021/174: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at twelve minutes to one o'clock.

Signature



HON. DR. RACHAEL KAKI NYAMAI, CBS, M.P.
(Chairperson)

Date.....

30/9/2021

Approved
SNA
6/7/2021



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

PUBLIC PETITION

(No. 28 of 2021)

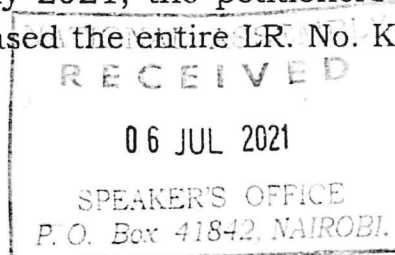
Hon. Speaker,
You may approve
Adap Kimani
6/7

**REGARDING IRREGULAR ANNEXATION AND FENCING BY
GREATCOM LIMITED OF PRIVATE LAND IN TIWI, SHIMBA NORTH
KUNDITSI 'B' IN MATUGA CONSTITUENCY**

I, the **undersigned**, on behalf of over fifty registered owners of various parcels of land totaling to approximately 400 acres in Tiwi, Shimba North Kundutsi 'B' in Matuga Constituency, Kwale County;

DRAW the attention of the House to the following: -

1. **THAT**, from the late 1960s, to around the 1980s, the Government of Kenya embarked on land adjudication and issuance of title deeds to land owners in various parts of the country,
2. **That**, the land in Tiwi, Shimba North Kundusti 'B' in Matuga Constituency was also adjudicated and the petitioners were issued with Title Deeds as proof that they are the registered owners of various parcels of land;
3. **THAT**, over the years since adjudication, the petitioners and their descendants have lived on and exploited their respective registered land economically to sustain their needs;
4. **THAT**, adjoining the parcels of land owned by the petitioners is approximately 1,000 acres of land, which was registered as Kwale/Tiwi LR No. 4752/2 in favour of Maruma Holdings Ltd.;
5. **THAT**, early 2021, the petitioners learnt that M/S Greatcom Ltd. had purchased the entire LR. No. Kwale/Tiwi 4752/2 from Maruma Holdings;



*Summary
Hague*

PUBLIC PETITION

REGARDING IRREGULAR ANNEXATION AND FENCING BY GREATCOM LIMITED OF PRIVATE LAND IN TIWI, SHIMBA NORTH KUNDITSI 'B' IN MATUGA CONSTITUENCY

6. **THAT**, the petitioners were shocked when in April 2021, the proprietors of M/S Greatcom Ltd., with protection from Police Officers, encroached, annexed and fenced off private land registered in their names as part of Greatcom's land;
7. **THAT**, petitioners aver that their parcels of land were adjudicated as private lands and have never been part of LR. No. Kwale/Tiwi 4752/2 that M/S Greatcom Ltd. purchased from Maruma Holdings;
8. **THAT**, the action by M/S Greatcom Ltd. amounts to blatant grabbing of private land registered in favour of the over fifty hapless families who have Title Deeds in lieu of their respective parcels;
9. **THAT**, Greatcom Ltd. has denied the petitioners access to their land, investments thereon and various public amenities within the annexed zone in violation of the right to property;
10. **THAT**, residents have sought assistance various state institutions, including the Kwale County Commissioner but no satisfactory intervention has come forth;
11. **THAT**, if Greatcom's illegal encroachment of the petitioner's land is not reversed, the petitioners not only risk being rendered squatters on their own land but also losing their livelihoods;
12. **THAT**, the matters raised in this petition are not pending before any court of law, constitutional or legal body;

*— were they
denied?*

THEREFORE, your humble petitioners pray for intervention of this House through the Departmental Committee on Lands to –

- (1) investigate the circumstances under which M/S Greatcom Ltd. illegally fenced off private belonging to over fifty families;

PUBLIC PETITION
REGARDING IRREGULAR ANNEXATION AND FENCING BY
GREATCOM LIMITED OF PRIVATE LAND IN TIWI, SHIMBA NORTH
KUNDITSI B ZONE IN MATUGA CONSTITUENCY

- (2) compel the M/S Greatcom Ltd. to immediately vacate the encroached land and to so as to enable the petitioners to revert to their settlements and access public utilities that have been fenced off by Greatcom;
- (3) cause the concerned national government departments to re-survey the area so as to ascertain the boundary between the petitioners' land and LR. No. Kwale/Tiwi 4752/2;
- (4) restrain M/S Greatcom Ltd. from any further development on the Petitioner's land pending re-survey; and
- (5) make any other recommendations deemed fit in safeguarding the petitioners' rights.

And your **PETITIONER** will ever pray.

PRESENTED BY



HON. TANDAZA KASSIM SAWA, MP
MEMBER FOR MATUNGA CONSTITUENCY

DATE: 6th July 2021

* were there any attempts of the petitioners to have raised the issue with the security?

*Kunditsi B
1970 -
1975 -
1461 Land parcels*

5



8



Date: Date:- June 07, 2021

COUNTY COMMISSIONER
COUNTY CRIMINAL INVESTIGATION OFFICER
OFFICER COMMANDING STATION, KWALE POLICE STATION
AREA MP MATUGA CONSTITUENCY
AREA CHIEF, TIWI LOCATION
AREA MCA, TIWI WARD

Dear Sir

REF: TIWI REGISTERED LAND OWNERS, SHIMBA NORTH KUNDUTSI B

This is in reference to our previous petitions served to, Kwale County executive member for Lands, Governor Kwale County, Ministry of Lands, Ministry of interior and coordination of national government, National Land Commission, Area MP Matuga constituency, Area MCA Tiwi ward, dated 31/05/2021

That we are more than 50(Fifty) registered and titled land owners and have previously lodged a series of complains challenging the encroachment to our titled lands by one Greatcom Ltd.

That Greatcom Ltd as the current lessee of land ref 4752/2 has breached our land ownership rights by erecting an electric fence grabbing more than 50 registered lands along the boundaries of Shimba north Kundutsi B belonging to us.

That this inhuman exercise has denied us access to our farm lands and settlement with our children forcefully restricted from accessing learning and medical services among other necessities

That we are forced to climb nearby trees to cross over the electric to access the basic services and goods , risking our dear lives in the process.

That there are armed police officers and Masai Morans stationed to secure this electric fence from any eminent damages from these enraged families.

That we are left with no option but to demand for an immediate re opening of all roads and major footways access entries and exits as listed below.

- (a) Road way leading to Muungano Primary School and dispensary
- (b) Road way leading to Tiwi Market across Mariko crossing
- (c) Road way leading to Dima across the Debwe River
- (d) Road way across Nyari hills

That we demand an immediate disconnection of the electric source supplying power to the electric fence as this has posed a life risk to the families living along the electric fence,

That this exercise should remain effective until the whole matter is resolved and determined as per the demands.

That should the exercise be aborted without any lawful explanation whatsoever we shall be left with no alternative but to seek other necessary avenues including peaceful demonstration along the Likoni-Lungalunga Road.

Thanks a lot for your understanding and support.

With thanks from ourselves and fifty others.

Sign:

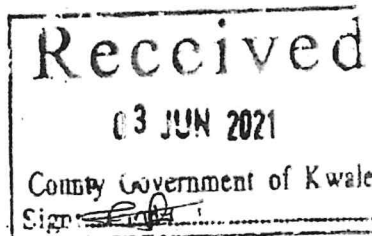


Chairman: Hamisi Toya 0722221027



Secretary: Salim Tenga 0725496873

MEMORUNDUM



FORCEFUL EVICTION OF OVER 50 LAND OWNERS FROM THEIR REGISTERED TITLED LANDS AND SETTLEMENTS.

To: COUNTY EXECUTIVE MEMBER FOR LANDS,
KWALE COUNTY GOVERNMENT.

From: TIWI REGISTERED LAND OWNERS (Victims)

THAT, we are over 50 families and victims of forceful eviction from our registered titled lands and settlements with the involvement of armed Police officers believed to be under orders from GREATCOM Limited

THAT, GREATCOM Ltd as the current lessee of Plot Ref No. 4752/2 has erected an electric fence and deliberately crossed over to our registered and titled lands and settlements, whose title copies are attached hereunder.

THAT, we are currently left in the colds as we are less able to access our farm lands and settlements that are of late enclosed in the electric fence.

THAT, This unlawful exercise has deprived us with the enjoyment to our constitutional right to land and settlement ownership as the grabbed lands are our only source of livelihood


THAT, we are law abiding citizens and have earlier sought for peaceful interventions to resolve the friction despite the embarrassments inflicted on us by this unlawful and beastly act.

THAT, we are seeking dialogue redress to help resettle our families among other rights to ownership.

THAT, Through your office we need surveyors' to come and redress the boundaries.

THAT, upon determination of the boundaries, the fence should be removed immediately.

Signed

Chairman:- Hamisi Ali Toya  0722221027

Secretary :- Salim Ramadhan Tenga  0725496873

- CC
1. Governor,
Kwale County Government.
 2. Area MP
Matuga constituency.
 3. Cabinet Secretary,
Ministry of Interior and Coordination of National government
 4. Cabinet Secretary,
Ministry of Lands
 5. Chairman,
National Land Commission
 6. Area MCA,
Tiwi Ward

	TITLE NUMBER	OWNER	REPRESENTATIVE	SIGNATURE
	Shimba North Kwale Kundusi B			
S/NO				
✓ 1	531	Salim Ali Mwakisuma	Mohamed Salim Mwakisuma	<i>Mwakisuma</i>
✓ 2	541	Salim Rashid Kulonda	Bakari Jabiri	<i>Salim</i>
			Hamisi Dzairino	<i>Hamisi</i>
3	534	Athuman Salim Chaumba	Athuman Salim Chaumba	<i>Athuman</i>
4	537	Athuman Salim Chaumba	Athuman Salim Chaumba	<i>Athuman</i>
5	571	Abdulhaman Abdalla Mdigo	Abdulhaman Abdalla Mdigo	<i>Mdigo</i>
		Juma Abdalla Mdigo		
		Subira Abdalla Mdigo		
		Mwanamisi Abdalla Mdigo		
6	557	Rashid Hassan Mwaviawatu	Mrs Mwagaatu	<i>Mwagaatu</i>
		Ali Hassan Mwaviawatu	Rashid Hassan Mwadamu	<i>Ali Hassan</i>
✓ 7	547	Ali Hamis Mwadia Toya	Hamisi Toya	<i>Hamisi Toya</i>
8	572	Ali S/O Mohamed	Abdalla Ali Mwabuduma	<i>Abdalla Ali Mwabuduma</i>
			Mohamed Ali Mwabuduma	<i>Mohamed Ali Mwabuduma</i>
9	569	Mwanalima Dzinbwe Abdalla Mwatutu	Hamisi Juma Nyoka	<i>Hamisi Juma Nyoka</i>
		Fatuma Dzinbwe Abdalla Mwatutu	Hamisi Nassoro Barua	<i>Hamisi Nassoro Barua</i>
10	983	Haraka Rasi	Ali Haraka	<i>Ali Haraka</i>
11	287	Haraka Rasi	Ali Haraka	<i>Ali Haraka</i>
12	538	Juma Ali Mbooni	Mingi Nyawa	<i>Mingi Nyawa</i>
13	559	Said Rashid Kuriwa	Mohamed Kuriwa	<i>Mohamed Kuriwa</i>
14	558	Omani Ali Mwaganumo	Mohamed Mwamsema / Chisaka	<i>Mwamsema</i>
15	556	Mejuma Binti Mwakuriwa	Juma Mwatiano	<i>J. Mwatiano</i>
16	991	Moyo Mwamoyo	Kassim moyo	<i>Kassim moyo</i>
17	530	Abdalla Ali Mwayumba	Matano Abdalla Mwayumba	<i>Matano</i>
18	532	Salimu Abdalla Mwayumba	Matano Abdalla Mwayumba	<i>Matano</i>



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE NUMBER KWALE/SHIMBA NORTH/KUNDUTSI 'B' /531=

This is to certify that SALIM KITSUMA MWAKITSUMA=

ID/NO. 6731227/69=

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

GIVEN under my hand and the seal of the

K W A L E

District Registry

this 21st day of February, 1986


Land Registrar

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDISI B' / S41

SEARCH NO.

On the 28TH day of APRIL 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 2.2 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

314/75 SALIMU RASHID KULONDA

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

- a)
- b)
- c)
- d)

The certified copies required are attached as requested:

- a)
- b)
- c)
- d)

Date 28TH Day of APRIL 20 21

Signed by Registrar

D. J. Safari 300

Seal

Name

Signature: [Signature]

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI B / S34

SEARCH NO.

On the 19TH day of APRIL 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.) -

Nature of Title ABSOLUTE

Approximate area: 0.8 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1. 314/75 ATHUMANI SALIMU CHAUMBA
2. 216/77 LAND CERTIFICATE ISSUED

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

b)

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 19TH Day of APRIL 20 21

Signed by Registrar

Seal

Signature:

D. A. Safari *308

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTI 'B' / 537

SEARCH NO.

On the 19TH day of APRIL 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 0.8 Hn

PART B - Proprietorship Section.

Name and address of the Proprietor:-

3. 816190 ATHUMAN SALIM CHAUMBA
4. 816190 TITLE DEED ISSUED

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

- a)
- b)
- c)
- d)

The certified copies required are attached as requested:

- a)
- b)
- c)
- d)

Date 19TH Day of APRIL 20 21

Signed by Registrar

Seal

Signature

Signature

D. P. Safari *304

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE S. NIKUNDUTSI 81571

SEARCH NO.

On the 13th day of APRIL 2021 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 4.2 HA☒ RT B - Proprietorship Section.

Name and address of the Proprietor:-

1-3.4.75 - ABDULRAHMANI ABDALLAH MDIGOJUMA ABDALLAH MDIGOInhibition, Caution and Restriction: SUBIRA ABDALLAH MDIGOMWANAMISI ABDALLAH MDIGO1/4 UNDIVIDED SHARE EACH

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date: 13th Day of APRIL 2021

Signed by Registrar

Seal

Name: D. J. SalimSignature: [Signature]

MINISTRY OF LANDS

DEPARTMENT OF LAND ADJUDICATION AND SETTLEMENT

Telephone: 020-2169319

REF: KWALE/MSAMBWENI/B/AA/557/1



DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICE

P.O. BOX 17

KWALE

80403

Photo NO. 15

Date: 22-11-2013

TO WHOM IT MAY CONCERN

RE: PLOT NO. 557..... KUNBUTI 'B'.....
ADJUDICATION SECTION - KWALE DISTRICT

This is to confirm that at the time of demarcation, land
P/NO. 557..... was recorded in the name(s) of.....

① DASHA HASSANI MWAVIAWATU.....
② ALI HASSANI MWAVIAWATU.....

As it exists in our demarcation books.

District Land Adjudication and

Settlement Officer

APM
P.O. BOX 17
KWALE

FOR: DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER -
KWALE/MSAMBWENI.

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE / S. N / KUNDUTSI B / 547

SEARCH NO.

On the 19th day of APRIL 2021 the following were
existing entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 2.6 Ha

PART B - Proprietorship Section.

Name and address of the Proprietor:-

34-75 - ALI HANISI MICHODIA TOHA

Mortgage, Caution and Restriction:-

29.10.99 - NO DEALING UNTIL SUCCESSION
IS FINALISED

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

- (a)
- (b)
- (c)
- (d)

The certified copies required are attached as requested:

- (1)
- (2)
- (3)
- (4)

Date 19th Day of APRIL 2021Signed by Registrar [Signature]

Seal

Name

Signature: [Signature]



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE No.

KWALE SHIMBA NORTH/ KUNDUTSI "B"/572 = = =

This is to certify that ALI S/O MOHAMED

ID/VGA I953I80 C/O OF CHIEF'S OFFICE TIWI LOCATION P.O.

TIWI = = = = =

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

GIVEN under my hand and the seal of the

K W A L E District-Registry

this 21st day of MARCH, 1977



[Signature]



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

Title No.

S. NORTH/KUNDUTSI "B/569

This is to certify that MWANALIMA DZIMBE ABDALLAH

MWATUTU AND FATUMA DZIMBE ABDALLAH MWATUTU ($\frac{1}{2}$ undivided
share each) = = = =

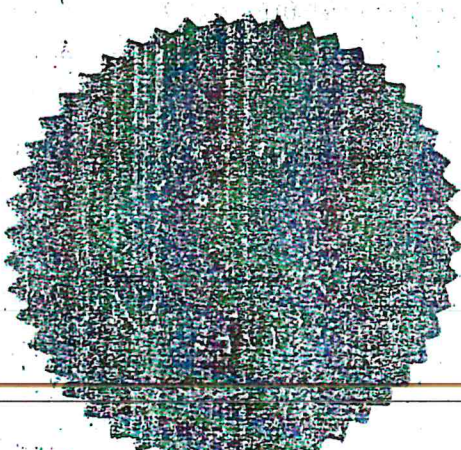
~~is~~ (are) now registered as the absolute proprietor(s) of the land
comprised in the above-mentioned title, subject to the entries in
the register relating to the land and to such of the overriding
interests set out in section 30 of the Registered Land Act as may
for the time being subsist and affect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

GIVEN under my hand and the seal of the

K W A L E

District Registry

this 17th day of MARCH, 19 77



Land Registrar



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

SHIMBA NORTH/KUNDUTSI "B"/983

APPROXIMATE AREA

4.0 HECTARES

This is to certify that HARAKA RASI
G/O CHIEF'S OFFICE TIWI LOCATION P.O. TIWI =
= = = = = = = = = =
= = = = = = = = = =

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

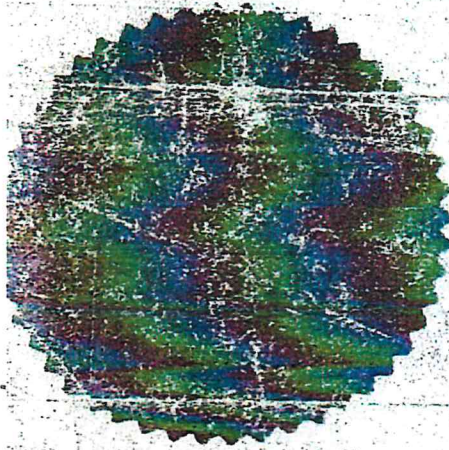
GIVEN under my hand and the seal of the

Kwale

District Registry

this 10th day of December, 1975

Paul M. Mwangi
Land Registrar



REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO:

SEARCH NO:

KWALE/KUNBUTSI B1/287

On the 31st day of MARCH 2021
subsisting entries on the register of the above - mentioned title: the following were

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 6.2 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:

1.3.4.75- HARAKA RASI

Inhibition, Caution and Restriction:

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

b)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date: 31st Day of MARCH 2021

Signed by Registrar

Date: 01.04.2021

Signature:

Seal

MINISTRY OF LANDS AND PHYSICAL PLANNING
DEPARTMENT OF LAND ADJUDICATION AND SETTLEMENT

Telephone: 020-2169319

Ref: No. DLAS/kuoh/

KUNDUTSI 'R' ADJ/983



LAND ADJUDICATION AND
SETTLEMENT OFFICE
P.O. BOX 17-80403,
KWALE.

SHEET NO. 16
TO WHOM IT MAY CONCERN

Date 06/04/2021

RE: PLOT NO. 983 KUNDUTSI 'R' ADJ SECTION

ADJUDICATION SECTION/SETTLEMENT SCHEME: KWALE COUNTY

This is to confirm that at the time of demarcation /allocation land P/NO. 983 was
recorded in the name(s)
of HARAKA RASI

As it exists in our demarcation books/accountability list.

LAND ADJ & SETTLEMENT OFFICER
P.O. BOX 17, KWALE
Tel: 040-4020

FOR: LAND ADJUDICATION AND SETTLEMENT OFFICER,
MATUGA/MSAMBWENI/LUNGA LUNGA SUB- COUNTIES.

THE LAND REGISTRATION ACT

THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO. KWALE/KUNDUTSI B / 538

SEARCH NO.

On the 30th day of APRIL 2021 the following were the subsisting entries on the register of the above-mentioned title:

Part A — Property Section (easements, etc.)

Nature of title ABSOLUTEApproximate area 0.9 Ha

Part B — Proprietorship Section

Name and address of proprietor 1. 3/4/75 JUMA ALI MIBONI

Inhibitions, cautions and restrictions

Part C — Encumbrances Section (leases, charges, etc.)

The following applications are pending:

- (a)
(b)
(c)
(d)

The following certified copies are attached as requested:

- (a)
(b)
(c)
(d)

Date 30th day APRIL 2021

Signed by the Registrar

Name: D. A. Sigani #304Signature: [Signature]

Seal

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI B 1559

SEARCH NO.

On the 3RD day of MAY 2021 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 0.5 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1. 314175 SAIDI RASHID KURIWA

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 3RD Day of MAY 2021

Signed by Registrar D. J. Safari

Name

Signature

Seal

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI 'B' | 558

SEARCH NO.

On the 3RD day of MAY 2021 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 2.0 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1. 314175 OMARI ALI MWAGAMUND

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

b)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date: 3RD Day of MAY 2021

Signed by Registrar D. J. Safari 304

Name:

Seal

Signature

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

No. 3 of 2012 (Section 108)

(Cap 300) (Repeated)

PL 37

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO. KWAE/KUNDUISI/B/556 SEARCH NO. 074
On the 27th day of August 2018 the following
were the subsisting entries on the register of the above-mentioned title:

PART A - Property Section (Easements, etc)

Nature of Title: ABSOLUTE

Approximate area: 1.1 HA (ONE DECAHA ONE HECTARE)

PART B - Proprietorship Section

Name and Address of the Proprietor:-

1. 3/4/75-MEJUMAA BENI MWAKURUWA

Inhibitions, Cautions and Restrictions: -

PART C - Encumbrances section (Leases, Charges, etc)

The following applications are pending:

The certified copies requested are attached.

The minimum fee KSh. 500 (Five hundred only).

Dated this 27th day of August 2018

To: The Land Registrar,

District Land Registry

P. O Box:

KSh. _____ attached hereto.

Signature of the applicant or his advocate

TO BE SUBMITTED IN DUPLICATE



THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE No.

SHIMBA NORTH (TUGUELO) 1/991.

This is to certify that ALVO HANCOYO

(I/VGA.19-2346.) OF C/O MIAMI'S OFFICE, POST OFFICE, MIAMI

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

GIVEN under my hand and the seal of the

District Registry.

this 24th day of June, 1951

Land Registrar



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Title Deed

Title Number KWALE/CHITCHA NORTH/KUNDAPEST 'B'/530

Approximate Area 3.6 Ha.

Registry Map Sheet No. 11

This is to certify that ABRAHAM ADE MWANGI

ID/NO. 2195409/65

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

GIVEN under my hand and the seal of the

KWALE District Land Registry

this 9th day of March, 1990


[Signature]
Land Registrar

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE/KUNDUTSI 'B' / 532

SEARCH NO.

On the 6TH day of MAY 2021 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 1.3 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1 314175 SALIMU ABDALLAH MWANYUMBA

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

b)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 6TH Day of MAY 2021

Signed by Registrar

Name

Seal

Signature

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI B/542

SEARCH NO: _____

On the 6TH day of MAY 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 0.941

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1 814175 SUDI SALIMU MWASURIA

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a) _____

b) _____

c) _____

d) _____

The certified copies required are attached as requested:

a) _____

b) _____

c) _____

d) _____

Date 6TH Day of MAY 20 21

Signed by Registrar

Name: D. J. S. 304

Seal _____

Signature: [Signature]

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE / KUNDUTSI 'B' / 533

SEARCH NO.

On the 6TH day of MAY 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 0.9 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1 3/4/75 MWINYI SWALEHE

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 6TH Day of MAY 20 21

Signed by Registrar

Name: D. J. Safari #309

Seal

Signature:

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI 'B' / 536

SEARCH NO.

On the 6TH day of MAY 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTEApproximate area: 0.22 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:

1 314175 SALIMU ALI SHARUTI

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

- The following applications are pending:-

a)

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 6TH Day of MAY 20 21

Signed by Registrar

Name D. J. Salim 304

Seal

Signature: [Signature]

DEPARTMENT OF LAND ADJUDICATION AND SETTLEMENT

Telephone: 020-2169319

Ref: No:.....

978



DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICE
P.O. BOX 17,
KWALE.
80403.

Date.....

16-07-20

TO WHOM IT MAY CONCERN

RE: PLOT NO.....

978

7141

ADJUDICATION SECTION-KWALE DISTRICT

This is to confirm that at the time of demarcation
Land P/NO...978..... was recorded in the
name(s) of.....

① MOHAMMED ABDULLAH CHAMANGO

② ALFAN ABDULLAH MWAKUFO

As it exists in our demarcation books.

District Land Adjudication and

Settlement Officer

P.O. BOX 17

KWALE

DISTRICT LAND ADJUDICATION & SETTLEMENT

CER

LE /MSAMBWENI

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO: KWALE KUNDUTSI B 567

SEARCH NO:

On the 6TH day of MAY 20 21 the following were
subsisting entries on the register of the above - mentioned title:

PART A - Property section (Easements, etc.)

Nature of Title ABSOLUTE

Approximate area: 1.3 HA

PART B - Proprietorship Section.

Name and address of the Proprietor:-

1514175 MWANAKOMBO BINTI ABDALLAH CHAMAGET

Inhibition, Caution and Restriction:-

PART C - Encumbrance Section (Lease, Charges, etc.)

The following applications are pending:

a)

c)

d)

The certified copies required are attached as requested:

a)

b)

c)

d)

Date 6TH Day of MAY 20 21

Signed by Registrar

D. J. Safari 304

and

Signature: [Signature]

Seal

MINISTRY OF LANDS AND PHYSICAL PLANNING
DEPARTMENT OF LAND ADJUDICATION AND SETTLEMENT

Telephone: 020-2169319

Ref: No. DLASD/KWL

TUTIDUTSIB' ADJ/350



LAND ADJUDICATION AND
SETTLEMENT OFFICE
P.O. BOX 17-80403,
KWALE.

STREET NO. 158/16
TO WHOM IT MAY CONCERN

Date 07/01/2021

RE: PLOT NO. 350

KUNDUTSIB' ADJ SECTION

ADJUDICATION SECTION/SETTLEMENT SCHEME: KWALE COUNTY

This is to confirm that at the time of demarcation / allocation land P/NO. 350 was
recorded in the name(s)
of

SALIMU ABDALLAH

As it exists in our demarcation books/~~accountability list.~~

LAND ADJ & SETTLEMENT OFFICER
P.O. Box 17-80403
Tel: 043-2577
FOR: LAND ADJUDICATION AND SETTLEMENT OFFICER,
MATUGA/MSAMBWENI/LUNGA LUNGA SUB- COUNTIES.



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 360)

Title Deed

Title Number KWALE/S.N./KUNDUTSI 'B'/312

Approximate Area 0.22 Ha.

Registry Map Sheet No. 7

This is to certify that ALI KALOLE ABDALLAH


ID/NO. 2202867/65

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

GIVEN under my hand and the seal of the

K W A L E District Land Registry

this 24th day of October, 19 94


Land Registrar



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE NO.

APPROXIMATE AREA

S.NORTH/KUNDUTSI 'B'/315.

2.2 Ha.

This is to certify that JUMAA MWAKUTSOLA S/O
SHEKHE MWAMZIMU (MSA.088835) OF P.O TIWI.

=

=

=

=

=

=

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

GIVEN under my hand and the seal of the

KWALE








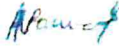
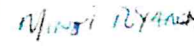


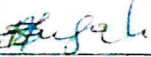
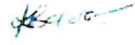

District Registry

this 13th day of November, 1975


Land Registrar

PUBLIC PETITION

**BY TIWI REGISTERED LAND OWNERS IN SHIMBA NORTH KUNDUTSI B
IN MATUGA CONSTITUENCY REGARDING UNLAWFUL FENCING OF
THEIR LAND BY GREATCOM LIMITED**

No.	NAME	ID NUMBER	ADDRESS OR TELEPHONE NO.	SIGNATURE OR THUMP IMPRESSION
1.	SALIM ALI MWAKISUMA REP. MOHAMED MWAKISUMA	13418601	0724465918	
2.	SALIM RASHID KULONDA REP. BARARI JABIRI	11139811	0723943011	
3.	ATHUMAN SALIM CHAUMBA REP. ATHUMAN CHAUMBA	2194596	0720018408	
4.	ABDULRAHMAN ABDALLA MBIGU	3159161	0714166568	
5.	RASHID HASAN MWAMATI REP. RASHID HASAN MWADUNE	10227300	0729922382	
6.	ALI HAMISI MWADIYA REP. HAMISI TOYA	9875211	0722221027	
7.	ALI S/O MOHAMED REP. ABDALLA MWABUDUMA	8408209	0723387135	
8.	HARAKA RASI REP. ALI HARAKA	9471405	0725929710	
9.	JUMA ALI MBONI REP. MINGI NYAWA	25099425	0700221749	
10.	SAID RASHID KARUNA REP. MOHAMED KARUNA	30012244	0715675668	
11.	MEJUMAA BINT MWAKURIMA REP. JUMA MWATLAND	2194530	0727053331	
12.	RASHID MWATENGA REP. SALINI R. TENGA	11139880	0725496873	
13.	MOYO MWANICYO REP. KASSIM MOYO	2205734	0704156639	
14.	ABDALLA ALI MWANYUMBA REP. MATANZI A. MWANYUMBA	2188210	0797885919	

PUBLIC PETITION

BY TIWI REGISTERED LAND OWNERS IN SHIMBA NORTH KUNDUTSI B
IN MATUGA CONSTITUENCY REGARDING UNLAWFUL FENCING OF
THEIR LAND BY GREATCOM LIMITED

No.	NAME	ID NUMBER	ADDRESS OR TELEPHONE NO.	SIGNATURE OR THUMP IMPRESSION
15.	SALIMU ABDALLA MWANYUMBA REP. MATANGI MWANYUMBA	2188210	0197885919	nt
16.	SALIMU ALI SHARUTI REP. NANI JUMA SHARUTI	9770612	0717098203	Sharuti
17.	MUHAMMED ABDALLA CHAMWA ATHUMAN MUHAMMED REP. MACHOBE	1361871	0726344919	28
18.	ALI KACOLE ABDALLA REP. MUHAMMED KACOLE	24759026	0708733548	Ali
19.	JUMA MWAKUTSOLA S/C SHERHE MWAMZIMU	2178361	0729968200	Sharuti
20.	SALIMU ABDALLA REP. ABDALLA SALIM THARUTI	10227475	0113277831	Sharuti
21.	MWAMAZIMU DZIRINE REP. HANISI JUMA NYOKA	8435760	0700882839	Sharuti
22.	SUDI SALIM MWASURIA REP. ALEAMIA MWASURIA	6415683	0723606927	Sharuti
23.	ATHUMAN S MWASENGEZA OWNER, SAID-AT MACHOBE	2203491	0711199615	Sharuti
24.	QATAR, ALI MWAGAMUZI REP. MUHAMMED-AT MWAMSENGA	24734176	0728439214	Sharuti
25.				
26.				
27.				
28.				



MINISTRY OF LANDS AND PHYSICAL PLANNING

Email: surveykwale@yahoo.com
Telephone: 020-2225654
When replying, please quote
Ref. and Date

DISTRICT SURVEY OFFICE
P.O. BOX 44
KWALE

RE: KWL/ACS/2VOL.XXVI/78

24th June, 2021

THE CCIO KWALE
P.o Box 3,
Kwale

Dear Sir/Madam,

REF: SITE VISIT

Please refer to your letter Ref No: CID/SEC/4/4/7/VOL.V/171 dated 10th May, 2021

On the above matter pertaining plot no's; KWALE/SHIMBA NORTH KUNDUTSI
B/531,541,534,537,571,557,547,572,569,983,287,538,559,558,556,991,530,532,542,533,536
,978,567,350 and MBELLA FARM

This is to inform you that the exercise was attended as scheduled on the 4th June , 2021.

Find attached survey report from the site visit exercise for your further actions.

S.KIHARA
FOR DISTRICT SURVEYOR
KWALE.

SURVEYOR'S REPORT

1. Purpose of the survey: - To identify the parcel of land boundaries between plot Nos. Kwale/ShimbaNorth/KundutsiB/531,541,534,537,571,557,547,572,569,983,287,538,559,558,556,991,530,532,542,533,536,978,567,350 and Mbella Farm and establish if any encroachments on the same.
2. Date of Survey: - The exercise took place on the 4th June , 2021..
3. Locality: -Shimba north /Kundutsi B Area , /Tiwi Location.
4. Authority of the survey: Request by CCIO Kwale.
5. Datum for the survey: - Shimba North Kundutsi B Registration Section Map sheet no.7 ,11,12 and Survey Plan Fr No.205/4
6. Methodology:-
 - The surveyor identified a few control points that were both discernible on ground and on the Shimba North Kundutsi B maps.
 - The control points were measured using a Garmin Handheld GPS and a triangulation network produced.
 - The map was oriented after scaling of dimensions from the map, the boundary of the plot was then fixed by interpolation of points within the triangulation network.
 - A section of the Electric Fence by Mbella Farm was picked and Plotted against the Survey plan Fr No.205/4 for analysis.
7. Findings:-
 - The parcels of Land in question are distinct on their relevant maps and with the neighbouring parcels.
 - Its worth noting that Mbella Farm is a fixed boundary Property whose coordinate data to show the boundaries is available on the survey plan Fr No.205/4.
 - The Shimba North /Kundusti B parcels are general boundary properties also referred as adjudicated areas whose boundaries are identified by physical features like rivers ,valleys ,old trees forming a feature etc.
 - Upon Plotting of the picked data for the Electric fence against the survey Plan it was noted that the electric fence fell out of survey plan boundary for Mbella Farm towards Kundutsi B with 100 m approximate hence affecting the boundaries for the said above Shimba North /Kundutsi B/ Parcels .

8. Conclusion

Since the sampled data for the electric fence falls out of the Survey plan boundary for Mbella Farm with an approximate 100m, this concludes that there is an encroachment by Mbella Farm to the adjudicated area of Kundutsi B Parcels of Land above quoted.

9. Recommendation:-

-As the above findings are in conformity with the map in reference to clause No.5 above, necessary further actions can be considered by the owners or any interested parties to facilitate the realignment of the Electric Fence to its rightful boundary as indicated in the survey plan not only for the section in complain but with the neighbouring abutting adjudicated areas as well for a peaceful co-existence .

I certify that the survey work was carried out as per the existing survey regulation, and the above is a correct report of the work done.



S.KIHARA
FOR DISTRICT SURVEYOR
KWALE

Date 24/06/2021





REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

Honourable Chair,

Pursuant to a letter Ref. NA/DDC/LANDS/2021 (091) dated August 10, 2021, the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning to respond to:

1. Petition by Hon. Andrew Mwadime, MP on behalf of residents of Mto Mwagodi, Mgeno Area, Rong'e Ward in Mwatate Constituency regarding the irregular establishment of Diaspora University on community land
2. Petition by East Mau Forest evictees regarding resettlement of East Mau Forest evictees
3. Petition by Hon. Joshua Kutuny, MP on behalf of the family of the late Hon. Arthur Kinyanjui Magugu regarding fraudulent subdivision of land registered as L.R No. 12422/9
4. Petition by Hon. Tandaza Kassim Sawa, MP on behalf of registered landowners in Tiwi Shimba North Kunditsi B regarding irregular annexation of private land in Tiwi, Shimba North Kunditsi B in Matuga Constituency by Greatcom Limited.

Honourable Chair, I wish to respond as follows:

1. PETITION BY HON. ANDREW MWADIME, MP ON BEHALF OF RESIDENTS OF MTO MWAGODI, MGENO AREA, RONG'E WARD IN MWATATE CONSTITUENCY REGARDING THE IRREGULAR ESTABLISHMENT OF DIASPORA UNIVERSITY ON COMMUNITY LAND

Honourable Chair,

The Petitioners presented the petition seeking to stop construction of a university known as Diaspora University on a community land, which they claim to have been in occupation since time immemorial.

They claim that there was no public participation on the project. Additionally, the Petitioners claim that the County Government of Voi is opposed to the project owing to the lack of transparency, accountability and viability of the project as well as unresolved land ownership issues.

They allege that efforts to have the matter addressed by local authorities including the police have been futile. They therefore request the Committee to:

- i) Intervene with a view to securing restoration of the land encroached upon by the proprietors of Diaspora University to the residents who are the rightful owners of the land
- ii) Secure the timely resolution of the matter so as to restore peace and tranquility in the area
- iii) Make any other recommendation that it deems fit in the circumstances of the petition.

Response

Honourable Chair, I wish to respond as follows-

The subject land was registered on January 20, 1982 as Parcel no. SAGALLA/NDARA (B)/1 (measuring approximately 2215.0 Hectares) in the name of NDARA B Group Ranch, under the Land (Group Representatives) Act, Cap. 287 (repealed by the Community Land Act, 2016).

On October 26, 2016 the group ranch subdivided the parcel into two (2) portions namely SAGALLA/NDARA 'B'/14 & SAGALLA/NDARA 'B'/15. On August 18, 2017, the group Ranch further subdivided parcel SAGALLA/NDARA 'B'/14 into three (3) portions, creating parcels SAGALLA/NDARA B/16, SAGALLA/NDARA B/17 & SAGALLA/NDARA B/18. On the same day August 18, 2017 the group ranch registered a five (5) year lease in favour of KUP Institution Town Limited for

parcel SAGALLA/NDARA "B"/17 measuring approximately 600 Hectares. A Certificate of Lease dated August 18, 2017 was issued.

Vide an application to the Voi Land Control Board dated July 10, 2019, KUP Institution Town Limited sought consent from the board to transfer parcel p SAGALLA/NDARA "B"/17 to Diaspora University Trust.

The application was rejected and reasons for the same communicated vide a letter dated September 11, 2019 (**annexure 1**) as follows-

- i) The application submitted indicated parcel no. SAGALLA/NDARA "B"/19 as the subject parcel whereas the accompanying documents namely certificate of lease is for a different parcel SAGALLA/NDARA "B"/17
- ii) The application sought to transfer land belonging to a group ranch whereas the Community Land Act under Section 47 (3) clearly indicates that land held by group representatives shall not be sold, leased or converted to private land before it is registered under the Act
- iii) The minutes accompanying the application do not indicate the transaction submitted to the board
- iv) The submissions by the applicant to the board that parcel no. SAGALLA/NDARA "B"/17 belongs to KUP institution limited is unfounded as Section 54(5) of the Land Registration Act indicates that only long term leases have the effect of conferring ownership. These are leases exceeding 21 years. KUP institution Limited has a 5 year lease which is short term
- v) The County Government of Taita Taveta through a letter dated July 12, 2019 to the board objected to the application citing Section 47 of the Community Land Act, 2016
- vi) The failure of the entire executive of the group ranch to appear before the land control board.

The letter by County Government of Taita Taveta objecting the transfer of parcel SAGALLA/NDARA "B"/17 to Diaspora University Trust is marked **annexure 2**.

Honourable Chair,

The matter has been the subject of litigation before the Principal Magistrate's Court in Voi, Civil Suit No. 161 of 2018. The court delivered judgement on the case on July 18, 2019 where it issued an injunction restraining the group representatives of the NDARA B Group Ranch from making any new resolutions pending conversion of the group ranch as contemplated under the Community Land Act, 2016. A copy of the judgment is marked **annexure 3**.

Consequently, the Ministry recalled the Certificate of Lease issued to KUP Institution Limited for cancellation. The lease was surrendered on November 2, 2019 and cancelled accordingly (**annexures 4**).

Honourable Chair,

The Community Land Act, 2016 repealed the Land (Group Representatives) Act, Cap. 287. Section 47 (1) of the Act provides that the respective group representatives together with their communities they represent shall be registered as a community in accordance with the provisions of the Act. In relation to land held under the repealed Act, Section 47 (3) of the Act provides that it shall not be sold, leased or converted to private land before it has been registered under the Act. Part VIII of the Community Land Regulations, 2017 prescribes the process of conversion of group ranches and it entails the following:

- i) Preparation by the Cabinet Secretary of an inventory of all land held under the repealed Land (Group Representatives) Act, (Cap. 287)
- ii) Issuance of a notice by the Registrar to group representatives of the requirement to convert into a community
- iii) Application by the groups to register as a community
- iv) Issuance of a Certificate of Registration and thereafter a certificate of title or lease is issued upon surrender of the existing title document and certificate of incorporation issued under the Land (Group Representatives) Act (now repealed) for cancellation. Upon registration, the respective group representatives shall cease to hold office.

The inventory of all land held under the repealed Land (Group Representatives) Act, (Cap. 287) has been prepared (**annexures 5a -5c**). Steps (ii) - (iv) have been undertaken as far as NDARA B Group Ranch is concerned. The Community Land Registrar conducted elections of the Community Land Management Committee on February 24, 2021 in accordance with the provisions of Section 7 (5) of the Community Land Act, 2021 (**annexures 6**).

Under Section 15 (5) of the Act, any decision of a registered community to dispose or otherwise alienate community land shall be binding if it is supported by at least two thirds of the registered adult members of the community.

2. PETITION BY EAST MAU FOREST EVICTEES REGARDING RESETTLEMENT OF EAST MAU FOREST EVICTEES

Honourable Chair,

The petition was filed by East Mau Forest Evictees said to comprise 4,350 members who were evicted from ten (10) forests within Eastern Mau in 1988. The Petitioners claim that they had been living in the area for over seventy (70) years before they were evicted and have not been resettled.

They contend that they have been discriminated against in the resettlement programme by the National Government as other forest evictees from Bomet, Kericho and Baringo have been resettled.

According to the petitioners, although the case was referred to the Truth Justice and Reconciliation Commission (TJRC) and the National Land Commission (NLC) in 2011 and 2018 respectively, it has not been resolved. They have therefore presented the petition to request the Committee to intervene and investigate their case with a view to find a solution.

Response

Honourable Chair, I wish to respond as follows-

The Eastern Mau Forest block was proclaimed a forest reserve in 1932. The forest reserve was declared a Central Forest vide legal notice No. 174 of May 20, 1964. The total area was 65,842.21 Hectares. This block consists of the following forest stations-

- i) Baraget
- ii) Mariashoni
- iii) Kiptunga
- iv) Nessuit
- v) Likia
- vi) Logomani
- vii) Sururu
- viii) Teret
- ix) Elburgon

Part of this Eastern Mau Forest block was identified to settle mainly the Ogiek community at the edges of the forest to deter them from interfering with the rest of the forest. Other people who were evicted from other parts of Mau Forest like Chepakundi and families affected by ethnic clashes of 1992 were settled in the settlement schemes that were established as follows-

S/No.	Schemes	Area (Ha.)	No. of Beneficiaries	Status
1.	Sururu	5852	2600	Completed
2.	Likia	2290	900	Completed
3.	Teret	2117	850	Completed
4.	Sigotik	1812	600	Suspended due to a court order issued in Nakuru High Court Petition No. 11 of 2020 (annexure 7)
5.	Nessuit	4730	1500	Completed
6.	Ngongoneri	4100	1400	Completed
7.	Marioshoni	8300	1500	Suspended due to a court order issued in Nakuru High Court Petition No. 11 of 2020 (annexure 7)
8.	Kapsita (Molo)	901.6	671	Completed
9.	Kapsita (Elburgon)	3,300	900	Completed
10.	Baraget	2,800	700	Completed

Honourable Chair,

The Forest Department within the Ministry of Environment and Natural Resources had a programme called the “Shamba System” a method of forest plantation where communities were allowed to reside inside forests and tend to young plantation trees as they produce food crops. In the original practice, resident forest workers were allowed to reside on freshly cleared areas to plant food crops for 2-3 years while tree seedlings were grown. Over the years, the offer of tenancy was extended to others as well. The system was consequently banned by a presidential decree in 1987 and in 1988 all forest residents were evicted from forest areas. This is the group that lodged a petition.

They claim that they were not considered as beneficiaries in all the schemes that were established in the Eastern Mau Forest block.

After being evicted from Eastern Mau forest block in 1988 there is no documentary evidence to portray how and where they were resettled in this office. Again, there

is no list of the names to indicate whether or not they were profiled. Most of those families reside in informal settlements scattered all over Nakuru County.

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

Honourable Chair,

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

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

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

The Petitioners therefore request the Committee to:

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

Response

Honourable Chair, I wish to respond as follows-

According to our records, the parcel of land L.R. No. 12422/9 measuring approximately 41.13 Hectares was registered on December 16, 1982 as I.R. No. 37221 in favour of Arthur Kinyanjui Magugu. A copy of the Memorandum of Registration of Transfer of Land (MRT) is marked **annexure 8**.

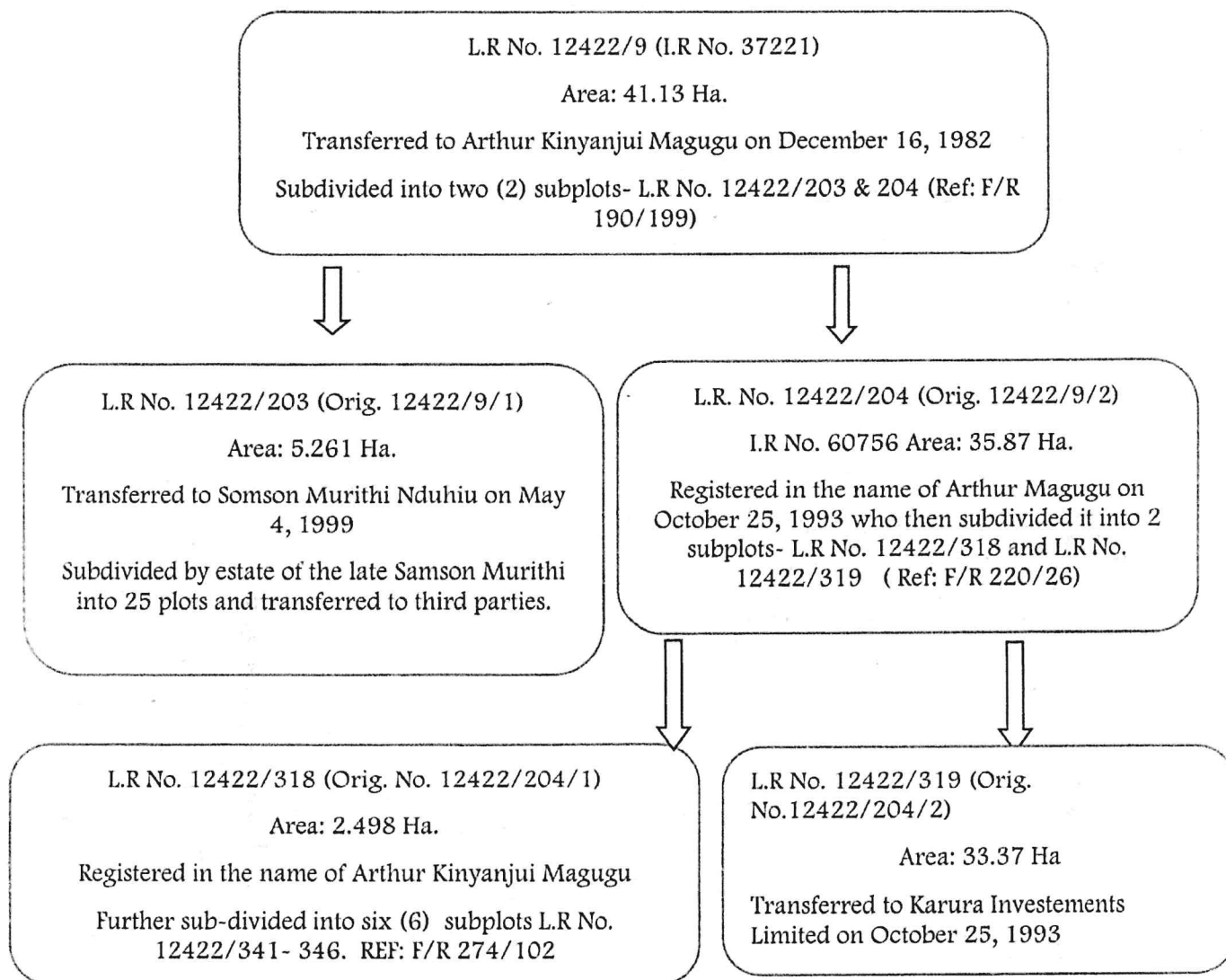
A proposal by proprietor through Kamwere & Associates (Survey & Planning Consultants) to subdivide the land into two (2) portions was approved by the then Nairobi City Commission vide a letter Ref. CP & ARCH/DC/777/L.R. 12422/9 dated February 23, 1988 (**annexure 9**). The Ministry gave its approval to the subdivision vide a letter Ref. 112003/18 dated June 8, 1990 (**annexure 10**). An approval for the subdivision was also obtained from the Nairobi Land Control Board (**annexure 11**). A copy of the approved subdivision scheme plan is marked **annexure 12**. The subdivision created land parcels L.R. Nos. 12422/203 and 12422/204 as per the copy of the survey plan marked **annexure 13**.

L.R. No. 12422/204 was further subdivided into two (2) portions creating L.R. Nos. 12422/318 measuring 2.498 Hectares and 12422/319 measuring 33.37 Hectares as per the copy of Survey Plan F/R 220/26 (**annexure 14**), approved subdivision scheme plan (**annexure 15**), approval from the Nairobi City Commission dated October 16, 1991 (**annexure 16**), consent from the Nairobi Land Control Board dated January 9, 1992 (**annexure 17**) and approval from the Ministry dated August 7, 1992 (**annexure 18**).

On October 25, 1993, a Certificate of Title (I.R 60756) was issued for L.R. No. 12422/204 in favour of Arthur Kinyanjui Magugu (**annexure 19**). On the same date, a transfer to Karura Investments Limited in respect of L.R. No. 12422/319 was registered and a Certificate of Title I.R 60757 issued (**annexure 20**).

From our records, L.R. No. 12422/203 (I.R 37227/6) measuring 5.261 Hectares was transferred to Somson Muriithi Nduhiu on May 4, 1999. The parcel was later subdivided into 25 portions and transferred to third parties. (Entry No. 6 of Certificate of Title I.R 37227 marked **annexure 21**).

L.R. No. 12422/318 was registered in favour of Arthur Kinyanjui Magugu as I.R. No. 103666 on December 7, 2004. A copy of the title is marked **annexure 22**. The resultant subdivisions relating to L.R. No. 12422/9 are described in the organogram below:-



We request more time to summon both parties to provide documentation for the subdivision of L.R NO. 12422/204 and the subsequent transfer of L.R. NO. 12422/319 to Karura Investments Limited. We shall report to the Committee on the progress within two weeks.

4. PETITION BY HON. TANDAZA KASSIM SAWA, MP ON BEHALF OF REGISTERED LAND OWNERS IN TIWI SHIMBA NORTH KUNDITSI B REGARDING IRREGULAR ANNEXATION OF PRIVATE LAND IN TIWI, SHIMBA NORTH KUNDITSI B IN MATUGA CONSTITUENCY BY GREATCOM LIMITED

The Petition was presented by Hon. Tandaza Kassim Sawa, MP on behalf of over fifty (50) registered owners of various parcels of land in Tiwi, Shimba North Kundutsi "B" in Matuga Constituency, Kwale County totaling approximately 400 acres. The parcels were adjudicated in the 1960s to 1980s and title deeds issued.

The Petitioners state that Maruma Holdings Limited owned an adjacent land registered as Kwale/Tiwi L.R No.4752/2 measuring approximately 1000 acres. They state that in early 2021, they learnt that M/s Greatcom Limited had purchased the land from Maruma Holdings Limited.

The Petitioners' complaint is that in April, 2021 the proprietors of Greatcom Holdings Limited, with the protection of the police encroached and fenced off their land and have since denied them access.

The petitioners sought the intervention of Kwale County Commissioner but the matter has not been resolved. They have thus filed the petition to request the Committee to-

- i) Investigate the circumstances in which M/s Greatcom illegally fenced off private land belonging to over fifty (50) families
- ii) Compel M/S Greatcom Limited to immediately vacate the encroached land so as to enable the petitioners to revert to their settlements and access public utilities that have been fenced off
- iii) Cause the concerned National Government Departments to re-survey the area so as to ascertain the boundary between the petitioners land and L.R No. Kwale/Tiwi 4752/2
- iv) Restrain M/s Greatcom Limited from any further development on the petitioners land pending re-survey
- v) Make any other recommendations deemed fit in safeguarding the petitioners rights

Response

Honourable Chair, I wish to respond as follows-

According to our records, land parcel L.R. No 4752 (C.R. 8561) measuring approximately 404.7 hectares (1000 acres) was registered in the name of *Brierley formerly of Aden* on November 15, 1933. **Annexure 23** is a copy of the title. On October 8, 1943 the parcel was transferred to Diani Estates Limited. On March 15, 1978 the parcel was transferred to Jeremiah Njoroge. Subsequently, on May 28, 1980 the parcel was transferred to Maruma Holdings Company Limited **Annexure 24**.

In a letter dated May 22, 1980 Maruma Holdings Company Limited applied for extension of lease (**Annexure 25**) and vide a letter Ref: 46474/102 dated November 12, 1981 the Commissioner of Lands approved the extension of lease to 999 with effect from January 1, 1914(**Annexure 26**).

Maruma Holdings Company Limited subdivided the parcel giving rise to L.R. No. 4752/1(now L.R. No. 12800) and L.R. No 4752/2. The subdivision was done in order to excise a 150*x150* plot (L.R. No. 4752/1 measuring 0.2133 hectares) for establishing an electricity substation for the Kenya Power and Lightning Company Limited. See **Annexure 27**.

L.R. 4752/2 measuring approximately 404.5 hectares was re-granted to Maruma Holdings Company Limited and registered as CR. 16746 on March 16, 1984). The term of the leasehold title was endorsed to commence on December 1, 1981 for 932 years 1 month being the residue of the initial 999 year term approved (**annexure 28**).

On August 13, 2007, Maruma Holdings Company Limited through their advocates wrote to the then Minister of Lands and Settlement intimating their intention to sale the land to the Government with a view that the land would be ideal for settling squatters. See **Annexure 29**.

On May 10, 2013 Maruma Holdings Company Limited transferred L.R. 4752/2 to Greatcom Limited. A copy of the official search certificate is marked **annexure 30**. The Ministry is aware of the complaint by the Petitioners. Greatcom Limited applied to the Ministry for a resurvey of L.R. 4752/2 to establish the boundaries. The County Land Surveyor, Kwale summoned all interested parties on September 7, 2021 to witness the reestablishment of the beacons as shown in the letter Ref. KWL/ACS/2VOLXXVI/149 (**annexure 31**).

The exercise was undertaken on September 7, 2021. We shall submit a report on the outcome of the resurvey in two (2) weeks' time.

Honourable Chair, I submit.

A handwritten signature in black ink, consisting of a large, stylized 'F' with a loop at the top and a horizontal line across the middle.

Farida Karoney, EGH
CABINET SECRETARY

September 14, 2021

ANNEXURE 24

0329 '00 MAY 28 11:14

176/46471

Ref: L. Vabati

REPUBLIC OF KENYA
REGISTRY OF TITLES
(COAST DISTRICT)
TITLE NO. C.R. 8561

TRANSFER

I, JEREMIAH NJOROGE of Post Office Box Number ---
81709 Mombasa in the Republic of Kenya BEING registered
as proprietor (Subject however to such charges leases ---
and encumbrances as are notified by the Memorandum ---
endorsed hereon) of ALL THAT piece of land containing an
area of One Thousand (1,000) acres more or less situate
"South West of Tiwi Native Reserve in the District of ---
Digo in the Coast Province" of the Republic of Kenya and
known as Land Reference Number 4752 (Original Number ---
3855/26) which said piece of land is the premises ---
comprised in the Certificate of Title registered in the
Registry of Titles at Mombasa aforesaid as Number C. R.
8561/1 as is delineated and described on the Plan ---
annexed to a Transfer registered as aforesaid as Number
C. R. 7850/22 and more particularly on Land Survey Plan
Number 17086 deposited in the Survey Records Office at ---
Nairobi in the said Republic and thereon bordered red ---
IN CONSIDERATION of the sum of Shillings Two Million Two
Hundred Thousand (K. Shs. 2,200,000/-) only paid to me
by MARUMA HOLDING COMPANY LIMITED a limited liability ---
company incorporated in the Republic of Kenya having its
registered office situate at Nairobi aforesaid and whose
postal address is Post Office Box Number 43665 Nairobi ---
aforesaid (the receipt of which sum I hereby acknowledge)
DO HEREBY TRANSFER unto the said MARUMA HOLDING COMPANY
LIMITED all my right title and interest comprised in the
above piece of land hereinbefore more particularly ---
described together with all improvements now thereon.

IN WITNESS WHEREOF I have hereunto subscribed my
name this 9th day of JULY One Thousand nine

SIGNED by the said JEREMIAH
HJORGE in the presence of:

[Handwritten signature]

CLERK
ADJUTANT
RECORDS
MOMBASA

[Handwritten signature]

1/P. No. 1169509 /64

MEMORANDUM OF CHARGES LEASE AND ENCUMBRANCES

N I L

DRAWN BY:-

A. B. PATEL & PATEL,
ADVOCATES & NOTARIES,
P. O. BOX 30274,
MOMBASA.

28 May, 80
11:14 a.m.

8561/24

[Handwritten signature]



**MARUMA
HOLDING CO. LTD.**

P.O. Box 44665 Nairobi Kenya
Telephone 554832 Nairobi

ANNEXURE 25

22nd May, 1980.

J.R.Njenga, Esq.
The Commissioner of Lands,
P.O.Box 30089,
NAIROBI

bu in file 23/5

Dear *James*,

As you know my farm in Mtongwe, Mombasa was compulsorily acquired by the Government for public use. I have since received the notice of possession of the land in question.

During the process of negotiations I raised the problem of availability of suitable land for farming. I have since been able to purchase a much smaller farm, in comparison, around Mwachema River in Ukunda, Kwale District (Plot No. L.R. 4752 - Your File No. 46474). I have acquired a lot of machinery so that I can farm the land extensively. I have, as an example, two tractors with accessories, two pick-ups, a 7½ ton tipper, irrigation equipment, etc.etc. Unfortunately the land is on a leasehold title which expires on 1st January 2013. With an expired term of less than 33 years I cannot get financiers to help me with more money to further my farming operations. As you know you had assisted me by changing the tenure for the previous farm to 999 years. To reduce my "flood of tears" can you be so kind as to approve a new term of 999 years for plot No. 4752.

Thanking you in anticipation.

Yours sincerely,

Darius

DARIUS M. MBELA

ACL

*In cases whether former
did not exercise
option for long
agricultural leases, I
had authority from the
then P.S./M.B.S to extend
leases in cases where
Africans buy land
He shall*

Directors: Darius M. Mbela C.D.M. Mbela

10/7

46474/109

135/46474

9th July,

81

The Director of Surveys,

Nairobi1. Proposed Decision for Electricity Substation
L.R. 4732 plot

My letter ref. 46474/109 dated 11th June, 1982 refers.

I have been informed by Messrs. Hime & Zimmerlin, Licensed Surveyors that the plot has been surveyed as parcel No. L.R. 12800. Please let me know whether deed plans are available on request.

2. Extension of the term of lease
L.R. No. 4732 plot

Please refer to my letter ref. 46474/109 dated 12th November, 1981 which was addressed to the Managing Director, Kenya Railways Co. Ltd. and copied to you.

The term of lease in respect of the above mentioned plot has been extended to 999 yrs with effect from 1-1-1984. Please let me know whether deed plans for surrender and re-grant are available on request. May I also know the survey fees payable.

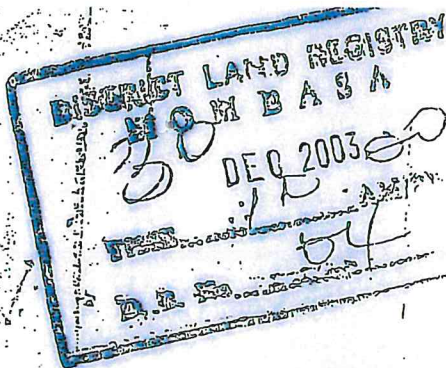
It is necessary that the area of plot No. 12800 be deducted from plot No. 4732 while issuing the deed plan for surrender and re-grant.

(J. Mwangi M. Gikuri)
JOINT COMMISSIONER OF LANDS

/s/ M.
C.C.

M/s. Hime & Zimmerlin,
Licensed Surveyors,
P.O. Box 99024,
Nairobi

file back to me



REPUBLIC OF KENYA


THE REGISTRATION OF TITLES ACT
(CHAPTER 281)

ANNEXURE 27

CERTIFICATE OF TITLE NO: C.R. 20864
ANNUAL RENT: SHILLINGS 825/= (REVISABLE)
TERM 99 YEARS FROM 1.1.1914

I HEREBY CERTIFY that THE KENYA POWER & LIGHTING COMPANY LIMITED a limited liability Company having its registered office at Post Office Box Number 30099 Nairobi in the Republic of Kenya pursuant to a Transfer registered as Number C.R. 8561/26 is now the registered proprietor as lessee from the Government of the Republic of Kenya for a term of Ninety-nine (99) years from the First day of January One Thousand Nine Hundred and Fourteen of ALL that piece of land situate South of Mombasa Municipality in the Kwale District containing by measurement Nought decimal Two One Three Three (0.2133) hectares or thereabouts and being Land Reference Number 4752/1 delineated on Land Survey Plan Number 113193 annexed to the said Transfer SUBJECT however, to the annual rent of Shillings Eight Hundred and Twenty-five (825/=) (revisable) and to the Act Special Conditions Encumbrances and other matters specified in the Memorandum hereunder written.

IN WITNESS whereof I have hereunto set my hand this Thirtieth day of October One Thousand Nine Hundred and Ninety.


REGISTRAR OF TITLES

MEMORANDUM

1. The Land Titles Act (Chapter 282) Excepting Part III thereof
2. The Special Conditions contained in a Grant registered as Number C.R. 8561/1
3. Easements protected by a Caveat registered as Number C.R. 8561/19

REPUBLIC OF KENYA
THE REGISTRATION OF TITLES ACT
(Chapter 281)

CERTIFICATE OF TITLES NO. CR. 16746
ANNUAL RENT: SHILLINGS. 114.30 p.a.
TERM: Expiring on 1.1.2013

I HEREBY CERTIFY that MARUMA HOLDING COMPANY LIMITED of Post Office Box Number 44655, Nairobi in the Republic of Kenya pursuant to subdivision of land reference number 4752 is now the registered proprietor as lessee from Government of the Republic of Kenya for a term expiring on the first day of January, two thousand and thirteen of ALL that piece of land situate South West of Mombasa Municipality in Kwale District containing by measurement four hundred and four decimal five approximately (404.5) hectares or thereabouts and being land reference NUMBER 4752/2 as delineated on Land Survey Plan Number 117750 annexed hereto SUBJECT however to the annual rent of shillings 114.30 and to the Act Special Conditions, Encumbrances and other Matters specified in the Memorandum hereunder written.

IN WITNESS whereof I have hereunto set my hand and seal this sixteenth day of March one thousand nine hundred and eighty four.


REGISTRAR OF TITLES

MEMORANDUM

1. The Special Conditions contained in a Grant registered as Number C.R. 8561/1

LAND TITLES REGISTRY - MOMBASA
REGISTERED TO CR. 16746/1
16th March 84
10:59 a.m.



2 THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Endorsement extending the term to
932 years 1 month from 1-12-1981 and
annual Rent of Rs. 3,606/- P.A.

Proceeds No. 145 A Date of Registration 21-5-84

3 THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Notification of Charge to the
Agricultural Finance Corporation.

Proceeds No. 145 Date of Registration 21-5-84

284/46474

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Advocate & Commissioner for Oaths
KIMWERE KIIGE (LLB) DIP LAW

ANNEXURE 29

PRINCELY HOUSE
MOI AVENUE
3RD FLOOR, ROOM 5
P.O. BOX 9056 -00200
TEL: 020-229680
NAIROBI
E-mail jkimwere@yahoo.com

289 / 40494

MURANG'A BRANCH
NGEKA CENTRE
2ND FLOOR, ROOM 208
P.O. BOX 8
TEL: 060-30486
FAX: 060-30486
MURANG'A

Date: 13/08/07

MINISTER OF LANDS AND SETTLEMENT
ARDHI HOUSE
NAIROBI

APC
on
03/9

ATTN: DIRECTOR OF SETTLEMENT



Dear Sir,

**RE: INTENDED SALE OF L.R. NO. 4752/2 OF KWALE DISTRICT
MEASURING (404.5) HACTARES (Approximately 1000 Acres) OWED BY
MARUMA HOLDINGS COMPANY LTD**

We are the advocates for the aforementioned who has instructed us to inform and advise you on his intention to dispose the aforesaid Parcel of Land to the government with a view that the said Parcel would be ideal for settling squatters.

If the government or your ministry does share our client's sentiments or otherwise of the opinion the same could be of any other public use and you are interested in purchase of the same, you could kindly get in touch with the undersigned in view of exploring the issue.

You could still call upon the undersigned for a without prejudice meeting.

For ease of reference and clarity we do enclose copies of,

- i. Certificate of Title
- ii. Deed Plan
- iii. Topo Sheet

Yours faithfully


J. Mungai

FOR: KIMWERE JOSPHAT & CO.

The records
be in file
on
03/9
12/2/07

C.C: 1. Permanent Secretary to Lands and Settlement

2. Commissioner of Lands

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 9TH JULY, 2021

PLOT NUMBER : 4752/2 - KWALE

TITLE NUMBER : CR. 16746

AREA : 404.5 HA.

TENURE : LEASEHOLD
TERM: 932 YEARS
FROM: 1.12.1981
RENT: KSHS.3,606/= P.A. (REV)

REGISTERED OWNER : GRATCOM LIMITED

ENCUMBRANCES : NIL


REGISTRAR OF TITLES




MINISTRY OF LANDS AND PHYSICAL PLANNING

Email: landskwale@ardhi.go.co
 Telephone: 020-2225654
 When replying, please quote
 Ref. and Date

DISTRICT SURVEY OFFICE
 P.O. BOX 44
KWALE

RE: KWL/ACS/2VOL.XXVI/149

24th August, 2021

- Plot No. 541 - Salimu Rashid Kulonda
- 538 - Juma Ali Mboni
 - 537 - Athuman Salim Chaumba
 - 536 - Salimu Ali Sharuti
 - 534 - Athuman Salimu Chaumba
 - 533 - Mwinyi Swalehe
 - 530 - Abdallah Ali Mwanyumba
 - 531 - Salim Kitsuma Mwakitsuma
 - 532 - Salimu Abdallah Mwanyumba
 - 349 - Mpindi Saidi
 - 572 - Ali Mohamed
 - 571 - Abdulrahamani Abdallah Mdigo & three others
 - 570 - Mesalimu Salimu Mwabandani
 - 568 - Omari Abdallah Chamago
 - 567 - Mwanakombo Binti Abdallah Chamago
 - 559 - Saidi Rashid Kuriwa
 - 558 - Omari Ali Mwagamuno
 - 547 - Ali Hamisi Mwadia Toya
 - 991 - Moyo Mwamoyo
 - 569 - Mwanalima Dziwe Abdallah Mwatutu & one other
 - 557 - Suleiman Hamisi Mwamtityo
 - 967 - Hamisi Iddi Marika
 - 969 - Binti Jumaa Mwakunyati
 - 970 - Hamisi Mwaguni & three others
 - 971 - Ali Salimu Nzowa
 - 972 - Lumwa Binti Salimu
 - 973 - George Mungai Gitau
 - 974 - Hussan Mohamed Mwanyoha
 - 976 - Mohamed Hamisi
 - 980 - Swalehe Hamisi Vitukwo
 - 287 - Haraka Rasi
 - 978 - Mwinyi Hamisi Mohamed Ndocho
 - 979 - Jumaa Saidi & two others
 - 1000 - Mohamed Jumaa
 - 992 - Nasoro Kazi Wawakazi
 - 983 - Joseph Kirumba Ndungu
 - 984 - Salimu Abdallah
 - 311 - Omari Ali Mwamgua
 - 312 - Ali Kalole Abdallah

- 314 - Salimu Mohamed & one other
- 313 - Hamisi Pepo Mwanwera
- 316 - John Muremwa Kironji
- 350 - Salimu Abdallah
- 542 - Sudi Salimu Mwasuria

REF: BOUNDARY IDENTIFICATION OF PLOT NO. L.R. 4752

The owner of the above mentioned parcel of land has applied to this office requesting to be shown the parcel boundaries. Since you are the neighbours to the said plot, you are therefore requested to avail yourselves on 07/09/2021 at 9.00 a.m. to witness and assist in the exercise.



H. NDOLO
DISTRICT SURVEYOR
KWALE

c.c.

-Deputy County Commissioner

MATUGA

-Assistant County Commissioner

MATUGA

-County Commander Police

KWALE

-County Co-ordinator, Lands

KWALE

-County Co-ordinator, NLC

KWALE

Plot Owner: Plot no. L.R. No.4752

Serial No. 85
To:

DEPARTMENT OF LANDS
LAND TITLES REGISTRY
NAIROBI/MOMBASA

THE COMMISSIONER OF LANDS (RECORDS BRANCH).
THE COMMISSIONER OF LANDS (VALUATION OFFICE).
THE COMMISSIONER OF LANDS (LAND RENTS).
THE COMMISSIONER OF INCOME TAX.
THE CITY VALUER, NAIROBI.
THE MANAGING DIRECTOR, KENYA RAILWAYS.

THE TOWN CLERK,

THE CLERK, COUNTY COUNCIL OF
THE SENIOR ECONOMIST/STATISTICIAN, P.O. Box 30289, NAIROBI.
THE EXECUTIVE OFFICER, THE PROVINCIAL AGRICULTURAL BOARD, P.O. Box



MEMORANDUM OF REGISTRATION OF TRANSFER OF LANDS

TRANSFER:-

the details whereof appear below, has this day been registered as

I.R. 35459/8 (C.T. I.R. 37221/1)

Date of Document 26-11-1981
Transferor Joreth Limited

Transferee Arthur Kinyanjui Magugu

Address of Transferee, P.O. Box 47952 Nairobi
L.R. No. 12422/9 (Orig. No.)

Area 41.13 hectares
Locality City of Nairobi

Consideration Sh. 1,524,515/- (To be Valued)

Term Free-hold

Annual Rent Sh. Fee-simple

Due From -

Presented by Shah and Shah Advocates P.O. Box 438839 Nairobi

Date of Presentation 16-12-1982

ALEXANDER.

for Registrar of Titles

	Noted by	Checked by	Remarks
OFFICER I/C RECORDS:			
Land Register			
Return of Grants			
Files			
Cards			
RECORD DRAUGHTSMAN			
VALUATION OFFICE			

Charge to Grindlays Bank International (Kenya) Limited and Grindlays International Finance (Kenya) Limited for KShs 25,000,000/-

941 Date: 24-10-88

Discharge of Charge No. 2 above

785 Date of Registration: 25-10-1993

Catal Code of Sub-division by the Town Clerk of the City Council of Nairobi approving sub-division into Sub-plots A and B

786 Date of Registration: 25-10-1993

CERTIFICATE OF TITLE 1260756 issued to

James Kariuki Mwangi for 35.8 Ha. LR 12422/93

787

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE TRANSFER TO SOMSON Musithi Ndumu for KShs 5,200,000/- 5.261 Ha. LR 12422/202 Free Hold

64 Date of Registration: 4-5-1999

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED

Caveat by Combine Industries Limited claiming purchasers interest Pursuant to a Sale agreement copy attached to the caveat

Registration No. 1365 Date of Registration: 24-12-99

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE OF CAVEAT

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Consent by Firstbas Mortgage Voucher
of 2 Silver C Machine - a machine
purchased by Firstbas pursuant to documents
all correct in respect of Act No
10-2-2011
Registration No. 932 Date of Registration 5-5-2008
Registrar
J. W. KAHUYU

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Withdrawal of Consent No 932

Registration No. 933 Date of Registration 7-8-2008
Registrar
J. W. KAHUYU 213

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Grant of Probate of written will of the estate of
Samson Muriithi Nduhiu - deceased to
Mary Muthoni Muriithi, William Gachengo Nduhiu, Duncan
Nduhiu Ndegwa and Edwin Alfred Bristow - The Executors
Registration No. 935 Date of Registration 12-3-2008
Registrar
J. W. KAHUYU

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Sub-division Certificate by the Town Clerk Nairobi
City Commission approving the Sub-division of the
within written plot into Sub-plots 1-13, 15 & 17
Only
Registration No. 936 Date of Registration 12-3-2008
Registrar
J. W. KAHUYU

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Surrender to the Government of the Republic
of Kenya in respect of C 531840
LRN 17422/203/15
Registration No. 937 Date of Registration 12-3-2008
Registrar
J. W. KAHUYU

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Surrender to the Government of the Republic
of Kenya in respect of C 530549
LRN 17422/203/15
Registration No. 938 Date of Registration 12-3-2008
Registrar
J. W. KAHUYU

Summation to the Government of the Republic
of Kenya in respect of C. 251649
(45) C.R. No. 12422/203/11

939

12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED
Transfer to Gabriel Kamano Karungu and Sarah Thimig
Kamano as Joint Tenants D. 2023 Hs Leno 12422/75 (orig
12422/203/20) Term free hold
Vide C.T. IR 116414

940

Date of Registration: 12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED
Transfer to Pharis Mudiya Wani
D. 2023 Hs Leno 12422/707 (orig 12422/203/12)
Term free hold
Vide C.T. IR 116415

941

12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Kenneth Gachui Mwangi and Nancy Nyambi
Mwangi as Joint Tenants D. 2023 Hs Leno 12422/717
(orig 12422/203/22) Term free hold
Vide C.T. IR 116416

942

12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Thomas Kamau Waswa
D. 2023 Hs Leno 12422/699 (orig 12422/203/25)
Term free hold
Vide C.T. IR 116417

943

12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Moses Macharia Mone
D. 2023 Hs Leno 12422/701 (orig 12422/203/6)
Term free hold
Vide C.T. IR 116418

944

12-3-2009

Full

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Patrick Maina Gichuhi and Nancy Waitimui
Maina as Joint Tenants D. 2023 Hs Leno 12422/708
(orig 12422/203/13) Term free hold
Vide C.T. IR 116419

Transfer to Stephen Wachira Mwangi
D. 2023 Hs LENO 12422/702 (orig 12422/203/7)
Term free hold
Vide C.T. II 116420
Presentation No. 1738 Date of Registration 20-3-2009 *Full*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to William Kamiti Gathinji
D. 2023 Hs LENO 12422/698 (orig 12422/203/4)
Term free hold
Vide C.T. II 116421
Presentation No. 1740 Date of Registration 20-3-2009 *Full*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Moses Ochieng Amolo
D. 2023 Hs LENO 12422/704 (orig 12422/203/9)
Term free hold
Vide C.T. II 116422
Presentation No. 1741 Date of Registration 20-3-2009 *Full*

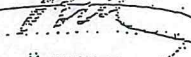
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Moses Ochieng Amolo
D. 2024 Hs LENO 12422/705 (orig 12422/203/10)
Term free hold
Vide C.T. II 116423
Presentation No. 1742 Date of Registration 20-3-2009 *Full*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Robert Gathinji Kamiti
D. 2023 Hs LENO 12422/706 (orig 12422/203/11)
Term free hold
Vide C.T. II 116424
Presentation No. 1743 Date of Registration 20-3-2009 *Full*


THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Stephen Mwachia Choge and Jane Wairimu Mwachia
Joint Tenants D. 2023 Hs LENO 12422/709 (orig 12422/203/14)
Term free hold
Vide C.T. II 116425
Presentation No. 1744 Date of Registration 20-3-2009 *Full*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Mary Muriu Chomba
D. 2023 Hs LENO 12422/712 (orig 12422/203/17)
Term free hold
Vide C.T. II 116426
Presentation No. 1745 Date of Registration 20-3-2009 *Full*

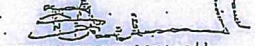
~~Transfer to Francis Kamen Moroge~~
D. 2023 Hs. Leno 12422/78 (orig. 12422/203/23)
Term free hold
Vide C.T. IR 116427

1746 20-3-2009 
Registrar
~~Paul Lubulwa~~


THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Certificate of Sub-division by the Town Clerk Nairobi
City Commission approving the sub-division of
the within written plot into subplots 14, 16, 18,
19, 20, 21, 22 and 23 only.

Presentation No. 811 Date of Registration 10-6-2009 
Registrar


THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to John Kamen Maina
D. 2023 Hs. Leno 12422/713 (orig. 12422/203/18)
Term free hold
Vide C.T. IR 119445

Presentation No. 812 Date of Registration 10-6-2009 
Registrar

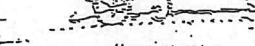
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Emilio Mukira Gichigo
D. 2023 Hs. Leno 12422/714 (orig. 12422/203/19)
Term free hold
Vide C.T. IR 119446

Presentation No. 813 Date of Registration 10-6-2009 
Registrar

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Mwangi Karubi
D. 2023 Hs. Leno 12422/716 (orig. 12422/203/21)
Term free hold
Vide C.T. IR 119447

Presentation No. 814 Date of Registration 10-6-2009 
Registrar

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Mary Ancilla Kaimuri Murungi
D. 2023 Hs. Leno 12422/719 (orig. 12422/203/24)
Term free hold
Vide C.T. IR 119448

Presentation No. 815 Date of Registration 10-6-2009 
Registrar

C. S. Maina 235

Trans. for To Silas Muriithi Ngechu Gatanywa and
Betty Ajoki Muriithi a Joint Tenants. D. 2029 Hs.
L.R. 1242/703 (Orig. 1242/203/8) Term free hold
vide C.T. IR 122223

1996 19-6-2009

G.M. MUYANGA III

Transfer to Evelyn Wawiny Hinga and Alex Bung Ogalla as
Tenants in Common in equal shares. D. 2023 Hs. L.R. 1242/700
Orig. 1242/203/5. Term free hold
vide C.T. IR 122224

1997 19-6-2009

G.M. MUYANGA III

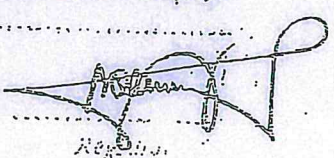
Transfer to Moshack Mwangi Mwangi
D. 2023 Hs. L.R. 1242/711 (Orig. 1242/203/16)
Term free hold
vide C.T. IR 122225

1998 19-6-2009

G.M. MUYANGA III

Transfer to Emily Wambui Muthiga
D. 2023 Hs. L.R. 1242/710 (Orig. 1242/203/8)
Term free hold
vide C.T. IR 132177

2123 22-8-2011


E. F. Ochieng 2009



0000
2000
15 to 20/2
January 2005



Units: Meters.

Station	-Y (Northings)	-X (Eastings)	No. of Sides	Class of Section	Area
138 197.24	13 778.69			A.P.C.	610
138 188.72	13 773.84			Transitional	
138 184.84	13 782.80			A.P.C.	
138 179.13	13 802.37			Transitional	
138 171.01	13 813.75			A.P.C.	
138 162.86	13 818.05				
138 154.43	13 818.16				
138 146.29	13 818.30				
138 138.10	13 818.44				
138 129.92	13 818.59				
138 121.85	13 818.73				
138 113.79	13 818.87				
138 105.72	13 818.99				
138 97.65	13 819.11				
138 89.58	13 819.23				
138 81.51	13 819.35				
138 73.44	13 819.47				
138 65.37	13 819.59				
138 57.30	13 819.71				
138 49.23	13 819.83				
138 41.16	13 819.95				
138 33.09	13 820.07				
138 25.02	13 820.19				
138 16.95	13 820.31				
138 8.88	13 820.43				
138 0.81	13 820.55				
137 92.74	13 820.67				
137 84.67	13 820.79				
137 76.60	13 820.91				
137 68.53	13 821.03				
137 60.46	13 821.15				
137 52.39	13 821.27				
137 44.32	13 821.39				
137 36.25	13 821.51				
137 28.18	13 821.63				
137 20.11	13 821.75				
137 12.04	13 821.87				
137 4.97	13 821.99				
136 96.90	13 822.11				
136 88.83	13 822.23				
136 80.76	13 822.35				
136 72.69	13 822.47				
136 64.62	13 822.59				
136 56.55	13 822.71				
136 48.48	13 822.83				
136 40.41	13 822.95				
136 32.34	13 823.07				
136 24.27	13 823.19				
136 16.20	13 823.31				
136 8.13	13 823.43				
136 0.06	13 823.55				
135 91.99	13 823.67				
135 83.92	13 823.79				
135 75.85	13 823.91				
135 67.78	13 824.03				
135 59.71	13 824.15				
135 51.64	13 824.27				
135 43.57	13 824.39				
135 35.50	13 824.51				
135 27.43	13 824.63				
135 19.36	13 824.75				
135 11.29	13 824.87				
135 3.22	13 824.99				
134 95.15	13 825.11				
134 87.08	13 825.23				
134 79.01	13 825.35				
134 70.94	13 825.47				
134 62.87	13 825.59				
134 54.80	13 825.71				
134 46.73	13 825.83				
134 38.66	13 825.95				
134 30.59	13 826.07				
134 22.52	13 826.19				
134 14.45	13 826.31				
134 6.38	13 826.43				
133 98.31	13 826.55				
133 90.24	13 826.67				
133 82.17	13 826.79				
133 74.10	13 826.91				
133 66.03	13 827.03				
133 57.96	13 827.15				
133 49.89	13 827.27				
133 41.82	13 827.39				
133 33.75	13 827.51				
133 25.68	13 827.63				
133 17.61	13 827.75				
133 9.54	13 827.87				
132 91.47	13 827.99				
132 83.40	13 828.11				
132 75.33	13 828.23				
132 67.26	13 828.35				
132 59.19	13 828.47				
132 51.12	13 828.59				
132 43.05	13 828.71				
132 34.98	13 828.83				
132 26.91	13 828.95				
132 18.84	13 829.07				
132 10.77	13 829.19				
132 2.70	13 829.31				
131 94.63	13 829.43				
131 86.56	13 829.55				
131 78.49	13 829.67				
131 70.42	13 829.79				
131 62.35	13 829.91				
131 54.28	13 830.03				
131 46.21	13 830.15				
131 38.14	13 830.27				
131 30.07	13 830.39				
131 22.00	13 830.51				
131 13.93	13 830.63				
131 5.86	13 830.75				
130 97.79	13 830.87				
130 89.72	13 830.99				
130 81.65	13 831.11				
130 73.58	13 831.23				
130 65.51	13 831.35				
130 57.44	13 831.47				
130 49.37	13 831.59				
130 41.30	13 831.71				
130 33.23	13 831.83				
130 25.16	13 831.95				
130 17.09	13 832.07				
130 9.02	13 832.19				
129 9.95	13 832.31				
129 1.88	13 832.43				
128 93.81	13 832.55				
128 85.74	13 832.67				
128 77.67	13 832.79				
128 69.60	13 832.91				
128 61.53	13 833.03				
128 53.46	13 833.15				
128 45.39	13 833.27				
128 37.32	13 833.39				
128 29.25	13 833.51				
128 21.18	13 833.63				
128 13.11	13 833.75				
128 5.04	13 833.87				
127 96.97	13 833.99				
127 88.90	13 834.11				
127 80.83	13 834.23				
127 72.76	13 834.35				
127 64.69	13 834.47				
127 56.62	13 834.59				
127 48.55	13 834.71				
127 40.48	13 834.83				
127 32.41	13 834.95				
127 24.34	13 835.07				
127 16.27	13 835.19				
127 8.20	13 835.31				
126 9.13	13 835.43				
126 1.06	13 835.55				
125 92.99	13 835.67				
125 84.92	13 835.79				
125 76.85	13 835.91				
125 68.78	13 836.03				
125 60.71	13 836.15				
125 52.64	13 836.27				
125 44.57	13 836.39				
125 36.50	13 836.51				
125 28.43	13 836.63				
125 20.36	13 836.75				
125 12.29	13 836.87				
125 4.22	13 836.99				
124 96.15	13 837.11				
124 88.08	13 837.23				
124 80.01	13 837.35				
124 71.94	13 837.47				
124 63.87	13 837.59				
124 55.80	13 837.71				
124 47.73	13 837.83				
124 39.66	13 837.95				
124 31.59	13 838.07				
124 23.52	13 838.19				
124 15.45	13 838.31				
124 7.38	13 838.43				
123 99.31	13 838.55				
123 91.24	13 838.67				
123 83.17	13 838.79				
123 75.10	13 838.91				
123 67.03	13 839.03				
123 58.96	13 839.15				
123 50.89	13 839.27				
123 42.82	13 839.39				
123 34.75	13 839.51				
123 26.68	13 839.63				
123 18.61	13 839.75				
123 10.54	13 839.87				
123 2.47	13 839.99				
122 94.40	13 840.11				
122 86.33	13 840.23				
122 78.26	13 840.35				
122 70.19	13 840.47				
122 62.12	13 840.59				
122 54.05	13 840.71				
122 45.98	13 840.83				
122 37.91	13 840.95				
122 29.84	13 841.07				
122 21.77	13 841.19				
122 13.70	13 841.31				
122 5.63	13 841.43				
121 97.56	13 841.55				
121 89.49	13 841.67				
121 81.42	13 841.79				
121 73.35	13 841.91				
121 65.28	13 842.03				
121 57.21	13 842.15				
121 49.14	13 842.27				
121 41.07	13 842.39				
121 33.00	13 842.51				
121 24.93	13 842.63				
121 16.86	13 842.75				
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120 90.72	13 842.99				
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120 74.58	13 843.23				
120 66.51	13 843.35				
120 58.44	13 843.47				
120 50.37	13 843.59				
120 42.30	13 843.71				
120 34.23	13 843.83				
120 26.16	13 843.95				
120 18.09	13 844.07				
120 10.02	13 844.19				
119 9.95	13 844.31				
119 1.88	13 844.43				
118 93.81	13 844.55				
118 85.74	13 844.67				
118 77.67	13 844.79				
118 69.60	13 844.91				
118 61.53	13 845.03				
118 53.46	13 845.15				
118 45.39	13 845.27				
118 37.32	13 845.39				
118 29.25	13 845.51				
118 21.18	13 845.63				
118 13.11	13 845.75				
118 5.04	13 845.87				
117 96.97	13 845.99				
117 88.90	13 846.11				
117 80.83	13 846.23				
117 72.76	13 846.35				
117 64.69	13 846.47				
117 56.62	13 846.59				
117 48.55					

NAIROBI CITY COMMISSION



S.O. KIAYE
B.Sc. Eng. (Survey & Photogrammetry)
M.A., M.A.A.K. (T.P.) A.I.S.K
DIRECTOR OF CITY PLANNING AND ARCHITECTURE

CITY HALL
P.O. BOX 30075
NAIROBI
KENYA

EXT...252-Manasseh (Mrs) CITY PLANNING AND ARCHITECTURE DEPARTMENT

Ref: No.CP&ARCH/DC/777/ L.R. 12422/9

23rd February, 1988.

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



RE: SUBDIVISION PLOT NO. L.R. 12422/9 - KARURA.

The Nairobi City Commission at its meeting held on 10th February, 1988 recommended for approval the above subdivision scheme subject to the following condition being complied with:-

- i) Application for water supply to each subplot to be made to the General Manager (Water and Sewerage Department) and his conditions for such supply to be met.

J. M. Manasseh

J. M. MANASSEH (MRS.)
ASSISTANT DIRECTOR (T)
FOR : DIRECTOR OF CITY PLANNING AND ARCHITECTURE.

CC:-

Kamwere & Associates,
P.O. Box 46066,
NAIROBI.

*Note
This land is
controlled.
Mpauga.
21-24-88*

34

5 copies



D1207492

REPUBLIC OF KENYA

No

THE LAND CONTROL REGULATIONS, 1968

The Nairobi Land Control Board

P.O. BOX 30026,
NAIROBITo: Kamwere & Associates,
P.O. Box 46066,
NAIROBI

Date 7th October 1988

Reg No. NLCB/24/88

L.C.R. No.

SIR/MADAM,

LETTER OF CONSENT

1. With reference to your application dated the 27th April 1988 the Board gave its consent to the following controlled transaction at its 7th meeting held on the 5th October 1988

2. Nature of Transaction—

- (a) L.R. or Parcel No. 12422/9
- (b) Locality Karura - Nairobi
- (c) Sale, lease, subdivision, mortgage, charge, etc. Sub-Division
- (d) Names of parties—
- (i) From Hon. A.K. Magugu
- (ii) To
- (e) Length of term
- (f) Consideration

3. Special conditions of approval of subdivision—

- (a) N/A
- (b) N/A
- (c) N/A
- (d) N/A
- (e)

I am, Sir/Madam,

Your obedient servant,

F.T. Kimemia

Chairman

Nairobi Land Control Board

Copy to:

The Commissioner of Lands, Nairobi.

The Central Agricultural Board.

✓II2003/18

8th June

90

M/A Kamwere & Associates
P.O. Box 46066
NAIROBI

RE: SUBDIVISION OF AR. NO. I2422/9 - KAJURA

Further to my provisional approval letter ref. No. II2003/16 dated 11th October 1988 and the City Commissions recommendation letter ref. No. CP & ARGH/2199/L.R. I2422/9 of 31st May 1990 my final approval is hereby accorded.

R.O. Oludo

R.O. OLUDO
FOR: COMMISSIONER OF LANDS

G.C.

The Director of Surveys
NAIROBI

The Nairobi City Commission
P.O. Box 30075
NAIROBI



NAIROBI CITY COMMISSION



FOR ENQUIRIES ASK FOR:

...Mrs...Mwaniki.....

TEL: No. 224281

EXT: ...2150...

AND QUOTE

REF No. CP&ARCH/FP/4724/LR.12422/204

DATE 16th Oct. 1991

CITY PLANNING AND ARCHITECTURE DEPARTMENT

CITY HALL

P.O. BOX 30075,

NAIROBI, KENYA

The Commissioner of Lands
P.O. Box 30089,

NAIROBI.

RE: SUBDIVISION ON L.R. NO. 12422/204 -
KARURA ROAD (KARURA)



The Nairobi City Commission at its meeting held on 11th October, 1991 recommended for approval the above subdivision scheme subject to the following condition being complied with:-

- i) Application for water supply to each subplot to be made to the General Manager (Water and Sewerage Department) and his conditions for such supply to be met.



B.W. MWANIKI (MRS)

FOR: DIRECTOR OF CITY PLANNING & ARCHITECTURE.

c.c. Kamwere & Associates
P.O. Box 46066,
NAIROBI.

BWM/AW

DUPLICATE

REPUBLIC OF KENYA

Nº 379692

23

THE LAND CONTROL REGULATIONS, 1968

The NAIROBI Land Control BoardP.O. BOX 30028NAIROBITo: Hon. A.K. Magugu, EGH, MP.P.O. Box 30430NAIROBIDate 9th January, 1992Reg. No. NLCB/62/92L.C.R. No. -

SIR/MADAM,



099036232

LETTER OF CONSENT

1. With reference to your application dated the 17th October, 1991, the Board gave its consent to the following controlled transaction at its Special meeting held on the 9th January, 1992

2. Nature of Transaction

- (a) L.R. or Parcel No. 12422/204
 (b) Locality Karura Road (Karura)
 (c) Sale, lease, subdivision, mortgage, charge, etc. Subdivision
 (d) Names of parties
 (i) from Hon. A.K. Magugu, EGH, MP
 (ii) to -
 (e) Length of term -
 (f) Consideration -

3. Special conditions of approval of subdivision:

- (a) N/A
 (b) N/A
 (c) N/A
 (d) N/A
 (e) N/A

I am, Sir/Madam, A. K. MUDINYU
 Your obedient servant.

A. K. MUDINYU

Chairman

NAIROBI Land Control Board

Copy to:

The Commissioner of Lands, Nairobi
 The Central Agricultural Board

Applicant's Copy.

100

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(26)

112003

✓ 112003/28

7th August 92

(33)

Kamwere & Associates
P.o. Box 46066
NAIROBI



Dear Sirs,

RE: SUB-DIVISION OF PLOT L.R. NO. 12422/204 - KARURA

Further to my Provisional approval letter
ref.112003/26 of 4th February 1992 and City
Commission's letter ref. No. CP&ARCH/FP/4434/12422/204
of 14th July, 1992, my final approval is hereby
accorded.

Yours faithfully,

R.O. OLUDO
for: COMPTROLLER OF LANDS

c.c.

The Director of Surveys
NAIROBI

The Director of City Planning
P.o. Box 30075
NAIROBI

5 JUL 2012



REPUBLIC OF KENYA
THE REGISTRATION OF TITLES ACT
(Chapter 281)

CERTIFICATE OF TITLE

TITLE NO: I.R. 60756

I HEREBY CERTIFY that ABDUL KADIR MUGI MUGI

of NAIROBI (POST OFFICE BOX NUMBER 47952)

in the Republic of Kenya ~~has been registered as owner of~~
is now the registered proprietor(s) as owner(s) for an estate in fee simple

of ALL that piece of land situate in the City of Nairobi

in the Nairobi Area ~~Does~~ containing by measurement Thirty-five
decimal eight seven (35.87)
~~hectares and or thereabouts and being Land Reference Number~~

hectares/~~1222/9/2~~ or thereabouts and being Land Reference Number 1222/9/2

(Original Number 12422/9/2)

as delineated on Land Survey Plan Number 146787


annexed ~~by the said~~ hereto

SUBJECT however to the Act Special Conditions Encumbrances and other matters specified
in the Memorandum hereunder written

IN WITNESS whereof I have hereunto set my hand and seal this twenty-fifth

day of October

One thousand nine hundred and ninety-three


Registrar of Titles

MEMORANDUM

1. The Government Lands Act (Chapter 280)
2. The Special Conditions contained in the Grant registered
~~as Number I.R. 35459/1.~~

THIS CERTIFICATE OF TITLE IS ISSUED IN PURSUANT TO SECTION 70 OF REGISTRATION
OF TITLES ACT (CHAPTER 281) AND IS IN PART SUBSTITUTION OF THE CERTIFICATE
OF TITLE REGISTERED AS NUMBER I.R. 37227/1.

60756/1
25th October 1993
Tumell 2546



MINISTRY OF LANDS AND PHYSICAL PLANNING

REPORT ON SURVEY OF PLOT L.R. NO. 4752/2

TIWI, KWALE COUNTY

16th September, 2021

1. INTRODUCTION

The survey was as a result of request from the County Commissioner, Kwale in a Joint Stakeholders Meeting in his office on 27th of July 2021 which was a result of many complaints from members of the public to various offices in the County.

The exercise started on the 7th of September 2021 and was concluded on the 10th of September 2021.

2. METHODOLOGY

Objectives

- To re-establish beacons delineating plot L.R. No. 4752/2.
- To demarcate the common boundary between plot L.R. No. 4752/2 and parcels Kwale/Kundutsi 'B'/287, 311, 312, 313, 314, 316, 349, 350, 530, 531, 532, 533, 534, 536, 537, 538, 541, 542, 547, 557, 558, 559, 567, 568, 569, 570, 571, 572, 967, 969, 970, 971, 972, 973, 974, 976, 978, 979, 980, 983, 984, 991, 992, 1000 among others.
- To investigate any encroachment on the common boundary.

Survey Datum

- Survey Plans Referenced as Folio No.164/Register No. 54. (F/R No. 164/54). and Folio No.205/Register No. 4. (F/R No. 205/4).
- Preliminary Index Diagram Nos. 7, 8 and 12 for Kundutsi 'B' Registration Section.

Equipment and Software

The survey equipment used for the exercise entailed the following: -

- Kolida K20S- RTK/GNSS Receivers: S/Nos. KB10A7126355041EDD & KB10A1126328649QDN.
- Software: ArcGIS, AutoCAD, Global Mapper and Google Earth Engine.

Procedure

- A reconnaissance survey was carried out in the project area to assess the status and availability of existing control points and to appreciate the magnitude of the work ahead.
- On 7th of September 2021, an RTK GPS receiver was mounted on short pillar referenced as 201.TT.17. Its position was checked by an observation of short pillar 201.TT.14 using an RTK receiver.
- Once the survey equipment was oriented, coordinates for beacons delineating plot L.R. No. 4752/2 were extracted from survey plans duly approved and authenticated by the Director of Surveys and searched using RTK GPS receiver as per normal survey practice.
- Existing physical developments suspected to be encroaching onto the boundary were measured and mapped against the cadastral boundary of the plot using AutoCAD Software.
- The PIDs for adjacent registration blocks were scanned, digitized and georeferenced and superposed on the measured data.

3. FINDINGS

- a) Old beacons W2, T2, T3, T4 and NRD4 (which delineate the extents of parcel 4752/2) were all found in situ in their correct positions.
 - b) Electric fence erected by the proprietor of parcel L. R. No. 4752/2 deviates from its common boundary with Kundutsi 'B' registration section by an average of approximately 100m.
 - c) Wooden pegs were placed along the disputed boundary at an interval of approximately 100m to clearly mark the boundary.
-

- d) On ground, within the boundaries of plot L.R no. 4752/2, there is a murram road maintained by the County Government of Kwale from Mwachema area heading towards the Debwe area which has now been fenced off. However, this road does not appear in any map published by the Director of Surveys.
- e) Find attached map showing the various findings.

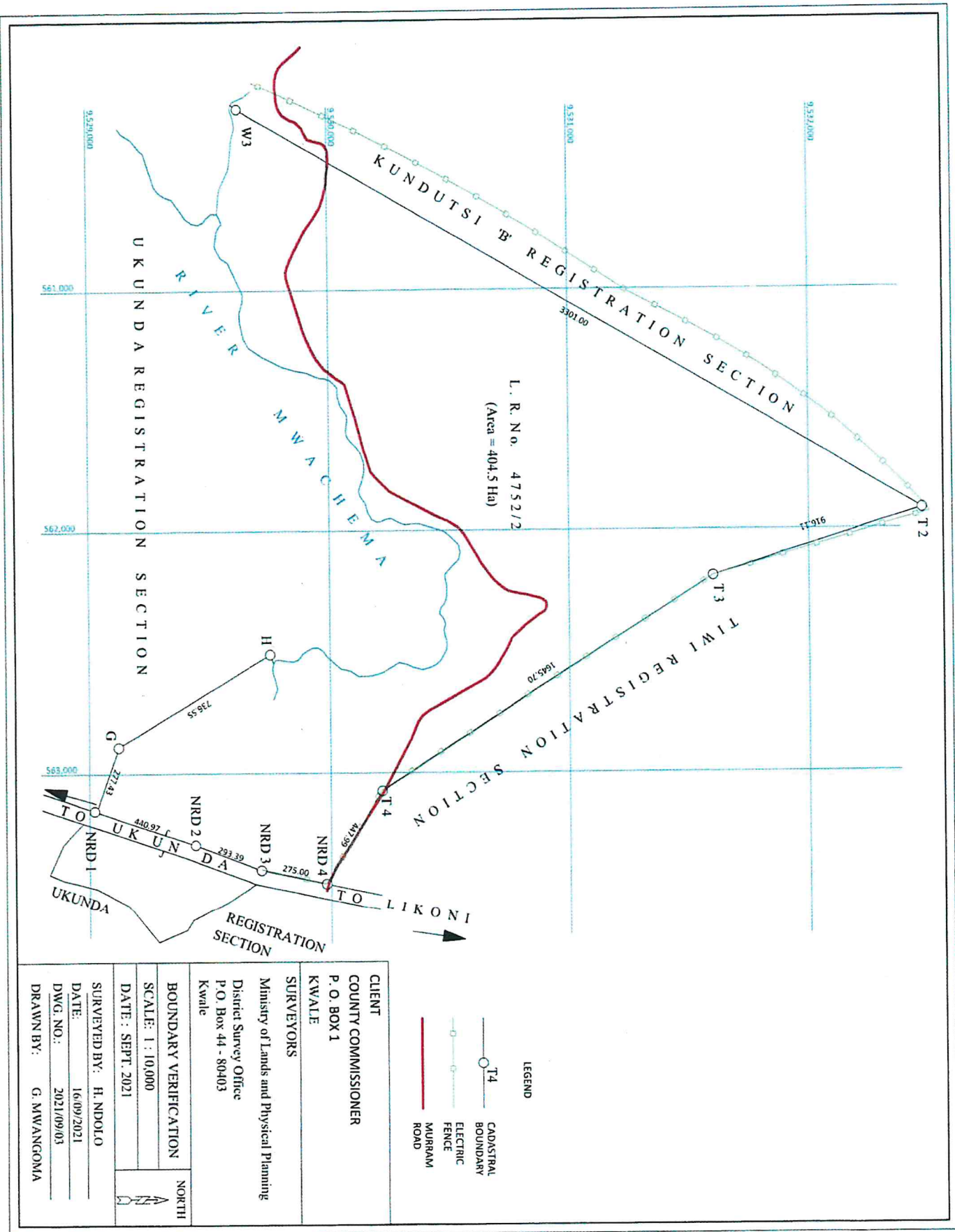
N.B. : The Likoni – Lunga Lunga Road was realigned within plot L. R no. 4752/2 in the year 1989 resulting in the change of Land Registration Number to L.R. No. 4752/3 (See Survey Plan F/R No. 205/4) however it seems this amendment has not been reflected on the title.


I certify that the survey work was carried out as per the existing survey regulation, and the above is a correct report of the work done.



H. NDOLO
DISTRICT SURVEYOR
KWALE

Date 16/09/2021



CLIENT COUNTY COMMISSIONER P.O. BOX 1 KWALE	
SURVEYORS Ministry of Lands and Physical Planning District Survey Office P.O. Box 44 - 80403 Kwale	
BOUNDARY VERIFICATION	
SCALE: 1 : 10,000	
DATE: SEPT. 2021	
SURVEYED BY: H. NDOLO	
DATE: 16/09/2021	
DWG. NO.: 2021/09/03	
DRAWN BY: G. MWANGOMA	

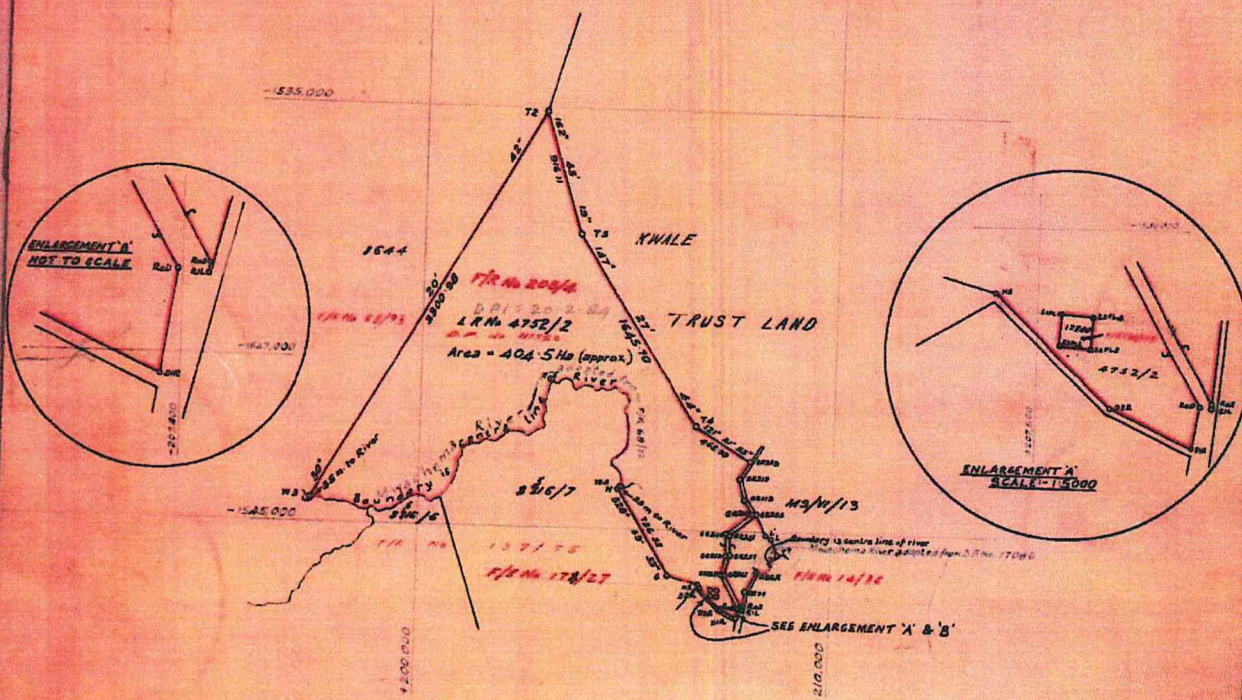
83 6/39

Coordinates referred to Equator & 33° East
Units: Feet in feet

Form No. 2

Station	Y (Northing)	X (Easting)	Height	Class of Station
T2	1535 096.4	202 855.1		A.C. Old
T3	1537 866.4	203 747.8		" "
W3	1544 448.7	197 383.7		" "
T4	1543 518.2	206 851.8		" "
GR22D	1543 508.9	207 848.9		" "
H	1544 036.6	204 309.2		" "
W4	1543 993.2	204 833.8		" "
NS	1546 319.8	206 781.8		" "
D1R	1547 063.8	207 758.5		" "
D2R	1546 860.7	207 361.0		LWP "
D3R	1546 533.7	206 796.8		AI "
GR24D	1546 090.3	207 361.5		LP "
GR25D	1545 598.1	207 494.5		" "
GR26D	1545 085.8	207 455.5		" "
GR23D	1544 604.6	208 072.2		" "
GR22S	1544 265.6	207 851.7		AI "
GR21D	1543 762.4	207 758.9		LP "
GR23S	1544 615.0	208 152.4		AI "
GR24S	1545 113.4	207 517.7		AI "
GR25S	1545 603.9	207 555.1		" "
GR26S	1546 062.1	207 425.8		" "
D27C	1546 422.6	207 961.6		LP "
D26R	1546 964.4	208 159.1		AI "
L	1545 105.7	208 406.1		LWP "
T7	1545 184.5	208 386.5		" "
R4D	1546 567.0	208 702.2		AI "
R4I	1546 840.9	207 780.9		" "
R1L	1546 829.5	207 850.4		" "
R	1546 847.1	207 850.4		" "
EAPL1	1546 106.8	206 058.8		AIC "
EAPL2	1546 405.8	207 120.2		IPC "
EAPL3	1546 556.7	207 106.8		" "
EAPL4	1546 570.0	207 357.8		" "
EAPL5	1546 418.1	207 271.1		" "

Line	Bearing	Distance
GR22D-GR23D	167° 21' 20"	152.38
GR23D-GR24D	144° 58' 31"	128.96
GR24D-GR25D	252° 02' 09"	238.42
GR25D-GR26D	173° 38' 40"	156.60
GR26D-GR27D	188° 07' 16"	155.40
GR27D-R4D	150° 14' 40"	263.59
R4D-D1R	188° 59' 24"	62.61
D1R-D2R	354° 48' 35"	138.30
D2R-D3R	218° 03' 50"	325.76
D3R-NS	312° 24' 23"	6.19
NS-G	88° 29' 36"	231.28
D27R-D27R	208° 38' 48"	151.51
R1L-R4S	124° 40' 45"	133.75
R4S-GR24S	8° 02' 22"	5.43
GR24S-GR25S	350° 14' 34"	262.41
GR25S-GR26S	15° 07' 09"	150.88
GR26S-GR27S	355° 08' 29"	148.04
GR27S-GR28S	52° 01' 37"	265.41
GR28S-L	152° 31' 00"	167.56
L-L	121° 04' 48"	46.41
L-TT	156° 35' 19"	127.11
T7-W4	85° 11' 11"	16.19
EAPL1-EAPL2	5° 02' 34"	46.18
EAPL2-EAPL3	95° 02' 35"	46.18
EAPL3-EAPL4	125° 02' 35"	46.18
EAPL4-EAPL5	275° 02' 35"	46.18
T7-R1W		22.71
D26R-River		12.71



Therefore, certify that I, in person, made and on the 15th March 1983, completed the survey represented by this plan and that the bearings and lengths of the lines surveyed by me and also the survey has been conducted in accordance with the existing legislation and with the approved scheme.

Surveyor

Compiled by J.E.C. Mundu, 15th March, 1983.

SCALE: 1:25,000

T.M. 22/71, 48/42, 150/903
A.P. No. 1702C

Registration	Transactions	Authentication	Date	Records	Date
Date Received 21-3-83	Provisional Approval	Examined by		Traced by E. Mond	17.10.84
File Reference CAL 22/11/83	Final Approval	Approved by		Compared by K. Mond	26.10.84
Computations No. C/551		Authorized by		Original Sheet	
Field Book No.	Charted by K. Mond			R.L.M.	

Folio No. 164
Register No. 34

