

**REPUBLIC OF KENYA**  
**MURANGA COUNTY ASSEMBLY**  
**THE HANSARD**

Tuesday, 16<sup>th</sup> May 2017

The House met at 2:36 p.m.

*(Temporary Speaker Hon. Beth Ngugi in the Chair)*

**MOTION**

ADOPTION OF REPORT OF THE LAND, HOUSING, PHYSICAL PLANNING AND  
SETTLEMENT COMMITTEE ON OWNERSHIP OF LAND PARCELS TITLED  
LOC.17/SABASABA/1378 AND LOC.17/SABASABA/1379

*(Hon. Charles Kirigwi rose on a point of order)*

**Temporary Speaker (Hon. Beth Ngugi):** Yes, Hon. Kirigwi.

**Hon. Charles Kirigwi:** Honourable Speaker, is it in order for Hon. Lucy Njoroge not to be up standing when the mace is being brought in the Assembly? Kindly give guidance.

**Temporary Speaker (Hon. Beth Ngugi):** Hon. Kirigwi I am being informed that she stood; probably you did not notice she stood, so she was not out of order.

**Hon. Duncan Njuguna:** Madam Speaker, I wish to move the following motion:-

That, this Assembly adopts the report of the Land, Housing, Physical Planning and Settlement Committee on Ownership of Land Parcels Titled Loc.17/SabaSaba/1378 and Loc.17/Sabasaba/1379, laid on the table of the Assembly today Tuesday May 16, 2017.

The committee did receive a claim from the people of Kamahuha ward through the Member of County Assembly Hon. John and we called those complainants, there after the owners of the two parcels of land.

This was brought about because on one of the plots they constructed a bar; Kamaki's look alike. When the complainants saw what was coming up, they came with a claim that the person building is not the owner and it is a public utility.

We called the owners of the plots and came with the relevant documents to prove the ownership. We also called Madam Joyce Kinyanjui the secretary to the County Land Management Board, she was the representative of the National Land Commission which under Article 67 is given the mandate to oversight and see the allocation and use of public land.

Madam Speaker, we also called the director of physical planning Murang'a county government and the two people who own the two parcels of land.

The observations of the committee was adduced from the evidence given by the two owners and we later visited the area and confirmed there was the construction of buildings coming in one plot, but the other was yet to start developing.

In our recommendations; one is that they duly have a title of one of the plots, that is Loc/17/SabaSaba/1378, measuring approximately 0.32 hectares; and was properly issued to one of the developers, who is Denis Kimemo Gathoka on 14<sup>th</sup> September 2006, by the then Maragua county council; that was 11 years ago.

That happened after the proprietor bought the allotment letter from the original allottee, Bernard Gicheha Maina. The sale agreement was entered on 10<sup>th</sup> September 2006 under Kimwere Josphat and Co. advocates and Kimemo Gathoka became the bona fide owner of that plot.

Madam Speaker, Loc/17/SabaSaba/1378 parcel of land ceased to be a public land and is now privately owned.

Recommendation number two is that the title deed of the land parcel 1379 measuring 0.44 hectares was properly and legally issued to Moses Mwangi Ndung'u, Denis Kimeo Gathoka and Michael Muriithi Muthi on 17<sup>th</sup> October 2006, this was after all the terms and conditions of allotment had been complied with; that is according to the documents that were presented to the committee.

Accordingly, that parcel of land ceased to be a public land and the same is legally under private ownership and there is no justification or reason to challenge it.

Madam Speaker, the last recommendation is that, pursuant to the law, the county government of Murang'a is not justified in their proposal to put up two bus parks on the land parcels location numbers 17/SabaSaba/1378 and 17/SabaSaba/1379 as if the said parcels of land are public land.

The correct legal procedure would have been compulsory acquisition of the land as enshrined in Part 8 of the Land Act No.6 of 2012, section 107 to 133. There is no legal justification for the county government of Murang'a to interfere with privately owned land without having to follow the prescribed legal procedure.

Other documents forwarded to the committee include the allotment letters that were issued to Moses M. Ndung'u, Denis Gathoka and Michael Muriithi, receipts of the payments that were made, applications of plot allocation, minutes that were extracted from the works of the committee meeting held on 20<sup>th</sup> August, sale agreements and a letter from the Deputy County Commissioner.

Madam Speaker, as a committee, we found that the two persons- Michael and Denis, properly own those two properties, therefore, no one can claim that the two parcels of land are public utilities.

I will, therefore, urge the Hon. House that since we came into this House or we were elected in the platform of creating employment and empowering our youth as well as creating wealth for our county, if we have investors, we should not deter them from investing in our county because we have several other areas of such kind of development, structures or business have come up.

With those few remarks I will urge the House to adopt this report so that the owners can start the business without interference from Murang'a county government or any other quota for that matter. I now call Hon. Kago to second the motion. Thank you.

**Hon. Kago Njoroge:** I stand to second the motion and say that the chairman has elaborated very well.

The good thing with this motion is that we have even attached the documents so that every member can peruse and see that we have the evidence and we are not malicious.

Those people who had come to complain after requesting them to bring the documents, they never came up with any single document.

When the defendants came, they were able to bring each and every document which was updated and we requested the former Interim Secretary to come and give us the same information and he was able to say that the people who are said to be the owners of this land they are really the owners as they have got the legal document. Without much ado I second the motion. Thank you.

*(Question proposed)*

**Hon. Charles Kirigwi:** From where I sit I am unable to make a decision, it is a very sensitive motion which needs national decision making as it affects people from our county.

Why am I saying that? This is the work of our very able committee; lands which I highly respect and whenever reports come here, they come here so that we can walk together with the committee that has worked on the report.

I am unable to follow what the committee deliberated on; I cannot find the copies of the title that the chairman has just referred to on the floor, the sales agreement. I need not blame the chair because he is not in charge of the registry.

I think from where I sit, for the people of Kinyona, I am unable to make the decision because I am not armed with information regarding the report hence I request that may be the mover to adjourn to enable the registry to file the report or may be the mover to consider---

**Temporary Speaker (Hon. Beth Ngugi):** Order! Honourable Kirigwi, resume your seat please. I do not wish -----let me rephrase that -----I do not wish to have an argument which is not or has no base.

All those documents you are asking for are in the file. I have a file in front of me and unless may be your file does not have those documents that you are quoting, I can see all those documents there.

Maybe you put your argument in another perspective. Not in regard to what is in the files because the documents are there, the sale agreements are there, the allotment letter from the previous council are there. Tell us the genesis of this, Hon. Kirigwi.

**Hon. Charles Kirigwi:** Unless we have two Assemblies, the ones that I am referring to here are not in my file. Kindly I need---

**Temporary Speaker (Hon. Beth Ngugi):** Order! honourable members, Hon. Duncan let us have order, that is why I was guiding you. I have them and probably your file does not have them.

Now, Clerk, I will rule that those documents be availed to hon. Kirigwi immediately so that we can conclude with this motion. Order! Hon. Jane, as we wait for the hon. member to get the documents

*(Hon. Charles Kirigwi was given copies of the documents)*

He has a right to be heard, he has a right to speak in this hon. House.

**Hon. Charles Kirigwi:** Hon. Speaker, I am grateful for your directive, I now have the copies and I can follow as the members contribute. Thank you. I will ask your good office---

**Temporary Speaker (Hon. Beth Ngugi):** Hon. Kirigwi you are not allowed to speak to a question twice. You know the rules. Hon. Kimani.

**Hon. Joseph Kimani:** I stand to support the motion. As the mover of the motion has explained very well, that all the documents were availed and the plaintiff did not bring anything to support the claim. This is a straight forward case. I request the House to unanimously adopt this motion.

**Hon. Caroline Njoroge:** I rise to support the motion. We are here to support the investors who come to the county and we know there are malicious people who do not want others to develop.

Whenever we have such an investment, we need to encourage them and look at the legality of the claims against. These investments create employment and it is our mandate to encourage them. This is a matter that has been scrutinized and evidence gathered. Some of us are aware of where the investment is, and as the committee recommends, we need to support this.

**Temporary Speaker (Hon. Beth Ngugi):** Hon. Jane Ndegwa, you had risen earlier, would you like to contribute?

**Hon. Jane Ndegwa:** I support the motion although I also do not have the documents.

**Temporary Speaker (Hon. Beth Ngugi):** Before we proceed to the mover's response, office of the clerk, it is important that these lapses are taken care of. Mover to respond

**Hon. Duncan Njuguna:** Thank you Madam Speaker, I would like to take this opportunity to thank members of the committee on Land, Housing, Physical Planning and Settlement; and the House in general. I would like to respond on adjournment and not on the document because you ruled on that.

It has become--- I do not know what I will call it, because whenever I am on a motion I either adjourn or withdraw the motion.

*(Hon. Charles Kirigwi rose on a point of order)  
(Members consulted loudly)*

**Temporary Speaker (Hon. Beth Ngugi):** Order! Members what is your point of order Hon. Charles Kirigwi?

**Hon. Duncan Njuguna:** He should quote the order that has been violated.

**Temporary Speaker (Hon. Beth Ngugi):** Hon. Duncan Njuguna you are not going to tell me what to do.

**Hon. Charles Kirigwi:** Is it in order for hon. member for Gitugi ward to assume that the people of Kinyona are not represented in this Assembly. Do I have the right to ask for documents?

**Temporary Speaker (Hon. Beth Ngugi):** Yes you did and you were given. Order! Hon. Charles Kirigwi, he did not imply that.

**Hon. Duncan Njuguna:** I am responding-----

**Temporary Speaker (Hon. Beth Ngugi):** Order! Hon. Duncan Njuguna, resume to the motion please and respond to the motion.

**Hon. Duncan Njuguna:** I was responding to that Madam Speaker. I know we went through a process which is over. We are here for a few months and we want to conclude our term having done our work well. That is why we have prepared ourselves to bring other reports, which are on the way.

I would like to urge the members once again to support the investors who are coming up because that is why we came up with this motion. Thank you.

*(Question put and agreed to)*

#### ADJOURNMENT

**Temporary Speaker (Hon. Beth Ngugi):** There being no other business this House stands adjourned until tomorrow Wednesday at 2: 30 p.m.

*The House rose at 3:02 p.m.*