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TNJawap Kimi
30/06/23.



REPUBLIC OF KENYA

DLPS

Please deal: The
petition was presented on
29/06/23.
30/06/23

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

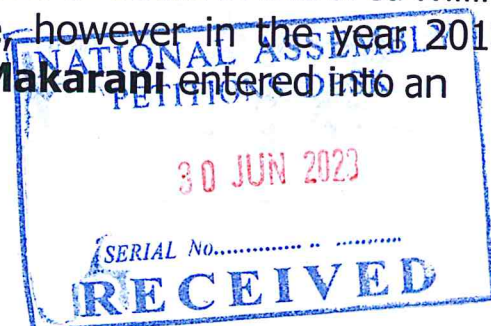
(No. 36 of 2023)

**REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF
RESIDENTS OF MISUFINI, VIBANDANI AND KIBARANI SUB-
LOCATIONS, TEZO LOCATION -KILIFI NORTH CONSTITUENCY.**

I, the **UNDERSIGNED**, on behalf of the residents of Kilifi North
Constituency;

DRAW the attention of the House to the following:

1. **THAT**, the people of Misufini, Vibandani and Kibarani Sub-Location, Tezo Location -Kilifi North Constituency have occupied a parcel of land registered as **Plot No: 5046/5** in the name of **Coast Development Company Limited** measuring **265 Acres** for more than **50 years**.
2. **THAT**, one of the Directors acquired the land at independence from a European known as **Lilly White** who had initially acquired the same land as a Leasehold for a term of **99 years** from **1st May, 1929** with a rent of **3,760 Kenyan shillings** per annum.
3. **THAT**, the Petitioners are concerned that the Leasehold term is almost lapsing and they are fearful of its fate in terms of Article **65(2)** of the 2010 Constitution;
4. **THAT**, one of the Directors allowed locals to settle in the area willingly and they were to pay a monthly fee, however in the year 2010 a Committee chaired by one **Mr. Abdi Makarani** entered into an



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agreement with Coast Development Company stating that the residents would be required to pay **20,000 Kenyan Shillings** as shares to the said Company, some of the residents paid the 20,000 shillings and were issued with payment receipts;

5. **THAT**, presently there is no **LR. 5046/5** as the property was subdivided into several portions without the resident's notice being **LR NO. 5046/8, 5046/9, 5046/10** and **5046/11**.
6. **THAT**, plot **No.5046/8** measuring **34.4 Acres** was subdivided subject to the compulsory acquisition of the property by the Government for construction of **Coast Institute of Agriculture**, now **Pwani University**.
7. **THAT**, Coast Development Company submitted an application to the County Government of Kilifi seeking an approval for its proposed change of user from Agricultural to Residential plot **No.5046/11**. The same was approved **27th June, 2018**.
8. **THAT**, Petitioners have written many letters to the National Lands Commission but no action has been taken concerning the matter;
9. **THAT**, both the National Government and County Government have invested heavily in the said piece of land by providing the necessary infrastructure such as Electricity Connectivity, Water, Roads and other Social Amenities;
10. **THAT**, the land has not been adjudicated and therefore no title deeds issued;
11. **THAT**, the matter presented in this petition is not pending before any tribunal, court of law or Independent body.

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THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

- i. Inquire into the ownership of the land occupied by residents of Misufini, Vibandani and Kibarani Sub-Location - Kilifi North Constituency in the name of Coast Development Company.
- ii. Establish whether Coast Development Company is a legally registered Company and the number of Locals that bought shares in Coast Development Company and their fate in terms of their shareholding in the Company.
- iii. Recommend that the Government under the 1 Million Acre Compulsory Land Acquisition Programme acquires the land for the local residents and that the land be adjudicated so as to ensure that the residents acquire title deeds; and
- iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:


THE HON. OWEN YAA BAYA CBS, MP

MEMBER FOR KILIFI NORTH CONSTITUENCY

DATE:29/06/2023.....

