



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

Approved
SNA
30/9/26

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO.18 OF 2025 BY HON. JOHN MACHUA
WAITHAKA, M.P REGARDING ROAD RESERVE BOUNDARIES AND
PROTECTION OF ANCESTRAL LAND BY RESIDENTS OF GITEI VILLAGE,
KIAMBU COUNTY

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 SEP 2026	
DAY: Wednesday	
TABLED BY:	Hon. Janet Sitienei, MP (Vice-Chairperson)
CLERK-AT THE-TABLE:	Lomale



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

SEPTEMBER, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS	1
CHAIRPERSON'S FOREWORD	2
PART ONE	3
1. PREFACE	3
1.1 Establishment and Mandate of the Committee	3
1.2 Committee Membership.....	4
1.3 Committee Secretariat.....	5
PART TWO	6
2. BACKGROUND OF THE PETITION	6
2.1 Introduction.....	6
2.2 Petitioners' Prayers	7
PART THREE	8
3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION	8
3.1 The Petitioners	8
3.2 Ministry of Lands, Public Works, Housing & Urban Development.....	9
3.3 National Land Commission	9
3.4 Kenya National Highways Authority.....	10
PART FOUR.....	12
4. COMMITTEE OBSERVATIONS.....	12
PART FIVE	13
5. COMMITTEE RECOMMENDATIONS.....	13

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 18 of 2025 by Hon. John Machua Waithaka, M.P regarding the variation of the boundaries of a road reserve in Kiambu County and the protection of ancestral land. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. John Machua Waithaka, MP, on behalf of the residents of Gitei village in Kiambu County.

In consideration of the petition, the Committee engaged with the Petitioners, the Ministry of Lands, Public Works, Housing and Urban Development, the Kenya National Highways Authority (KeNHA) and the National Land Commission (NLC).

The Committee notes that the Kenya National Highways Authority submitted that the petitioners had encroached into the road reserve by approximately 20m. The Ministry of Lands and the NLC affirmed that the road reserve was 60 metre long as per lands records.

In response to the prayers made by the petitioners and the submissions provided by the various stakeholders, the Committee recommends that the Ministry of Lands investigates circumstances of residents holding valid title deeds which include the disputed 20 metre land and administrative action taken on those responsible.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

- 1) The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

- 2) The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.

Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

Wiper Democratic Movement-Kenya

(WDM-K)

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ntwiga Patrick Munene, M.P.

Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.

Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.

Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.

Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.

Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

1.3 Committee Secretariat

3) The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Ms. Viola Saiya
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2. BACKGROUND OF THE PETITION

2.1 Introduction

- 4) Public Petition No. 18 of 2025, regarding road reserve boundaries and protection of ancestral land by residents of Gitei village, Kiambu County was presented to the House on 8th October, 2025 by the Hon. Machua Waithaka, M.P, on behalf of residents of Gitei Village.
- 5) The Petitioners raised concerns on the inordinate placement of beacons by KeNHA along the stretch from Kiu River to Kirigiti. KeNHA placed new beacons along the road between KM 12+800(Kiu River) and KM 14+500(Kirigiti), with an intention to expand the road reserve from 40 meters to 60 meters, contrary to long standing government assurances and community practice.
- 6) The Survey Plan FR No.9/69(authenticated in 1914) forms the basis of KeNHA's decisions, despite being a colonial era plan drawn prior to Kenya's independence which provides for inconsistent corridor widths along the same road.
- 7) The Kenya land demarcation of 1958 and subsequent developments, burials and investments were carried out with the assurance of a 40-metre reserve, extending the corridor to 60 meters would result in exhumations, demolitions, displacement and irreparable intergenerational losses.
- 8) Kenya Gazette Vol. CV No.59 of 6th June, 2023 classified the Kiambu-Ruiru road as C63 with a gazetted road reserve corridor of 40 meters which has consistently guided contractors and residents since independence.
- 9) The then Ministry of Public Works vide a letter dated 19th June, 2024 in response to an inquiry by Mr. D. K Muchaba, a resident of Gitei village confirmed that the road reserve at the affected section is 40 meters wide.
- 10) The Kiu River which serves as the main water source for Gitei Village is designated as a riparian land by the Water Resources Management Authority (WARMA) at 30 meters from the river edge and combined with KeNHA's 60 metre claim, this renders some parcels of land such as Ndumberi/Riabai 14, 125 and 337 entirely consumed, leaving land owners landless despite holding valid titles.
- 11) Residents continue to pay land rates on such parcels without compensation or exemption even when their land is designated as riparian or compulsory acquired. Despite various engagements with KeNHA, WARMA and Kiambu Water and Sewerage Company through letters, site visits and consultations, residents have not received any substantive response, compensation or relief.

2.2 Petitioners' Prayers

- 12) The Petitioners prayed that the National Assembly, through the Public Petitions Committee—
- i) There is immediate review and revocation of reliance on Survey Plan FR No.9/69(1914) and adoption of current statutes, gazette notices and recommends for gazettelement of the road reserve between KM 12+800 (Kiu River) and KM 14+500(Kirigiti) as 40 meters to ensure uniformity with the rest of the Kiambu-Ruiru road corridor;
 - ii) There is recognition and protection of the valid certificates of title particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337; and
 - iii) Equitable and transparent compensation for any compulsory acquisition of land is carried out through a meaningful public participation and legal due process.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The Hon. John Machua, M.P, on Thursday, 17th February, 2026, appeared before the Committee alongside three (3) representatives of Gitei Village and submitted as follows -

- 13) While surveyors have historically relied on survey maps prepared in 1968, KeNHA is currently relying on Survey Plan FR No.9/69 of 1914. He argued that the land demarcation undertaken in 1958 resulted in the current boundary configuration of the region, and therefore reliance on a 1914 survey plan is erroneous and inconsistent with subsequent demarcations.
- 14) He further submitted that in 2019, the Kiambu Water and Sewerage Company acquired parcels of riparian land measuring approximately 30 meters without compensating the affected landowners. He contended that any additional acquisition by KeNHA would render some villagers landless, despite their possession of valid title deeds.
- 15) Mr. Kamini stated that KeNHA intends to encroach on a stretch of approximately two (2) kilometers, which would affect properties that have already received development approvals from the County Government. He expressed concern that public utilities and government projects, including electricity infrastructure and social amenities, would also be adversely affected. He further submitted that families risk being rendered homeless and effectively disinherited, depending on the residual land remaining after the proposed expansion by KeNHA.
- 16) The petitioners submitted that there have been no substantive discussions regarding compensation. They further contended that the road reserve between Kiambu and Ruiru is not uniform. According to the petitioners, from Ruiru, KeNHA beacons are placed at 40 meters, and it is only at the Two Rivers area where beacons have been positioned at 60 meters. The residents are therefore protesting the proposed placement of beacons at 60 meters within their locality while other sections remain at 40 meters.
- 17) Reference was made to the *Kenya Gazette*, Vol. CV No. 59 of 6th June 2023, which classified the Kiambu–Ruiru Road as C63 with a gazetted road reserve corridor of 40 meters. The petitioners submitted that this classification has consistently guided contractors and residents since independence. It was further submitted that a beacon has recently been erected on Land Parcel No. 25, prompting residents to petition Parliament.
- 18) The petitioners submitted that the ongoing demarcation exercise is linked to planning for the Kiambu Road expansion. They observed that land situated opposite the affected village is largely undeveloped and under coffee plantation. They proposed that KeNHA consider negotiating with the owner of the vacant farm instead of displacing residents from what they described as ancestral or historically occupied land.

3.2 Ministry of Lands, Public Works, Housing & Urban Development

The Principal Secretary, State Department for Lands, Hon. Nixon Korir vide a written submission dated Tuesday, 10th March, 2026 in response to the petition, submitted as follows -

- 19) Concerning the reliance of survey plan F/R9/69 of 1914 and the protection of valid certificates of title; during the demarcation period, the adjudication team demarcated the ancestral land based on survey plan F/R 9/69 of 1914 which brought about Ndumberi/Riabai registration section. The survey plan F/R 9/69 was approved and authenticated by the Director of Surveys on 30th March, 1915 shows the road reserve (Old Fort Hall Road) was surveyed as a 60-Metre-wide Road Reserve.
- 20) When the demarcation of boundary was carried out, the parcel boundaries (parcels 14, 125 and 337 among others) were surveyed up to the centre of Kiu River as depicted on the Registry Index Map (RIM) sheet 9 of Ndumberi /Riabai registration section.
- 21) The riparian reserve forms part of the total acreage of each parcel of land. However, the use of the riparian reserve is regulated by various statutes and players including WARMA, NEMA, County Government, Survey Act and Physical and Land use Planning Act.
- 22) Regarding equitable and transparent compensation for compulsory acquisition and requisite public participation are matters that fall under the purview of the National Land Commission (NLC).

3.3 National Land Commission

The Chairperson and CEO OF THE National Land Commission appeared before the Committee on 2nd June 2026 and submitted as follows;

- 23) Gitei Village is situated within Kirigiti Location, Rabai Ward, Kiambu County, along the Ruiru–Tatu City–Kiambu Road (classified as C115). This road falls under the mandate of the Kenya National Highways Authority (KeNHA). Notably, there is an ongoing dispute between KeNHA and the local landowners in Gitei Village, specifically those whose properties border the road.
- 24) Originally, the road reserve width was planned and surveyed at 60 meters, as clearly delineated on Survey Plan F/R No. 9/69, which was surveyed and authenticated in 1915. A subsequent survey conducted in 1959 was recorded on Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9. An analysis shows that these 1959 RIMs align perfectly with the original 1915 survey.
- 25) Later, on 6th June, 2003, the Ministry of Roads and Public Works published Gazette Notice No. 3632 (Vol. CV, No. 59), which states that the desirable road reserve for Class C roads is 40 meters. However, this notice was general and did not specifically reference the C115 road. This is the specific gazette notice that the Gitei Village landowners are relying on to support their claim.
- 26) As a matter of law, a gazetted road reserve is strictly unavailable for allocation, excision, or private use. While Gazette Notice No. 3632 serves as a general advisory on the standard

parameters for Class C roads, it cannot legally be used to excise portions of an already established public road. Any encroachment or excision upon a planned, reserved, and surveyed road constitutes an illegal overlap, rendering any such private claims not only highly irregular but fundamentally unlawful.

- 27) Any excision of any part of the planned, reserved and surveyed road is considered as an overlap on the road which is not only irregular but also illegal.
- 28) In accordance with official government survey records, the statutory width of the C115 road reserve remains 60 meters. The purported reduction of this road reserve from 60 meters to 40 meters based on Gazette Notice No. 3632 is legally untenable.
- 29) It is recommended that the current registry records be amended and re-aligned to conform with the original road reserve width and boundaries as established and authenticated in the 1915 survey.

3.4 Kenya National Highways Authority

The Director General, Eng. Luka Kimeli, vide a letter (Ref: KeNHA/04. D/S/VOL.62/26) dated 2nd March, 2026 presented a written response to the Committee concerning the petition. He submitted as follows-

- 30) Regarding the survey records and road reserve width, KeNHA referred to several survey records to demarcate the road reserve boundary at the section covering the village-
 - i) Survey plan FR No.9/69(Authenticated in 1915) which provides a road reserve of 60m; and
 - ii) Registry Index Map (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9(Both published in 1959 after demarcation), when geo-referenced aligns with the RHS road reserve boundary of Survey Plan FR No.9/69(Beacons 12W,14W and 15W).
- 31) The demarcation of 1959 was done in recognition of previous land records (Survey Plan FR No.9/69).
- 32) The commission held stakeholder engagements with the residents. The first public sensitization was held on 12th May, 2025 between residents of Gitei village, local administration and KeNHA. The second meeting was held at Kiambu town DCC's boardroom on 2nd July, 2025 between the resident representatives, local administration, KeNHA, Kiambu District Surveyor and Kiambu Water and Sewerage Company.
- 33) The Kiambu District Surveyor concurred with KeNHA that the road reserve was 60m as per the land records. The Ministry of Roads, Public Works and Housing in 2003 issued a Kenya Gazette notice, Vol.CV-No.59 of 6th June, 2003(GN No.3632) on encroachment on classified road reserves. The gazette notice highlighted that the "desirable" road reserve width for Class C is 40m. However, the notice cannot be interpreted as negating an already approved land record.
- 34) Construction width is not the same as road width hence as per the land records, the residents of Gitei village have encroached into the road reserve by approximately 20m. It is the

commissions position that the encroachments should be removed from road reserve to ensure that the authority achieves its mandate as defined by the law.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other stakeholders, the Committee observed that -

- 35) The Ministry of Lands affirmed that when the demarcation of boundary was carried out, the parcel boundaries (parcels 14, 125 and 337 among others) were surveyed up to the centre of Kiu River as depicted on the Registry Index Map (RIM) sheet 9 of Ndumberi /Riabai registration section.
- 36) The National Land Commission also affirmed that the Survey Plan F/R No. 9/69, which was surveyed and authenticated in 1915 and a subsequent survey conducted in 1959 was recorded on Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9. An analysis shows that these 1959 RIMs align perfectly with the original 1915 survey, and that the road reserve is 60 metres.
- 37) The cited Ministry of Roads and Public Works Gazette Notice No. 3632 (Vol. CV, No. 59) dated 6th June, 2003 was a general gazette notice on **desirable** road standards, and not an excision surrender. It is therefore inconceivable that valid titles could have been produced encroaching on the road reserve.
- 38) The Kiambu District Surveyor concurred with KeNHA that the road reserve was 60m as per the land records and that the petitioners have encroached into the road reserve by approximately 20m.
- 39) The Committee therefore notes the petitioners' claims that they hold valid titles to the land is untenable.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- 1) On the prayer that the National Assembly inquires into the immediate review and revocation of reliance on Survey Plan FR No.9/69(1941) and adoption of current statutes, gazette notices and the recommendation for gazette of the road reserve between KM 12+800 (Kiu River) and KM 14+500(Kirigiti) as 40 metres to ensure uniformity with the rest of the Kiambu-Ruiru road corridor; **the Committee declines to grant this prayer as the road reserve is legally 60 metre wide, as per the Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9, as aligned with the original 1915 survey.**
- 2) On the prayer that the National Assembly inquires an equitable and transparent compensation for any compulsory acquisition of land that is carried out through a meaningful public participation and legal due process;
 - i. **the Committee notes that there was no compulsorily acquired land and hence no compensation due;**
 - ii. **the Committee recommends that the Ministry of Lands investigates the circumstances under which residents claim they hold valid title deeds issued by the state, which include the disputed 20 metres, within ninety (90) days of tabling of this report, and any irregularities regularized and administrative action taken on those responsible.**
- 3) On the prayer for the recognition and protection of the valid certificates of title holders particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337; **the Committee reiterates its recommendation in prayer nos. (1) and (2) above.**

Signed:  for _____ Date: 30/09/2026

HON. MUCHANGI KAREMBA, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 SEP 2026	
DAY: Wednesday	
TABLED BY:	Hon. Jane Jitenei MP
CLERK-AT-THE-TABLE:	Vice-Chairperson
	Lomale

ANNEXURES

- Annex 1: Report Adoption List
- Annex 2: Public Petition No.18 of 2025 regarding road reserve boundaries and protection of ancestral land by residents of Gitei village
- Annex 3: Minutes of proceedings

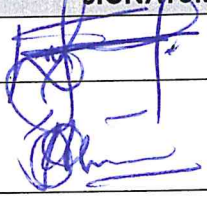
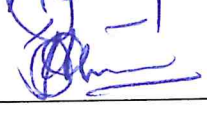
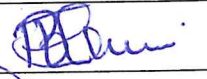
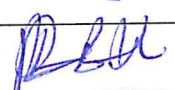
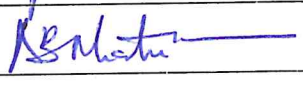
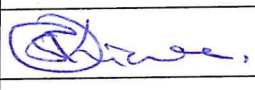
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the P/No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 31/9/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	