

DLSP/DC/lands.
✓
30/9/20



NATIONAL ASSEMBLY
RECEIVED
30 SEP 2020
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

Petition
h6

MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

PARLIAMENT
OF KENYA
LIBRARY

11/10/2020

Honourable Chair,

Pursuant to a letter Ref. NA/DC/LANDS/2020/ (63) dated September 16, 2020, the Committee requested the Cabinet Secretary Ministry of Lands and Physical Planning to respond to the following-

1. Petition by Hon. Richard Ken Kiti Chonga, MP on behalf of the indigenous people of Vipingo community in Kilifi County regarding historical land injustices committed against the indigenous people of Vipingo community.
2. Petition by residents of Keiyo North Constituency regarding compulsory acquisition of land and compensation of the residents by the Government.

Hon. Chair, I wish to submit as follows-

1. **Petition by Hon. Richard Ken Kiti Chonga, MP on behalf of the indigenous people of Vipingo community in Kilifi County regarding historical land injustices committed against the indigenous people of Vipingo community.**

1.1 Background

Honourable Chair, the Petitioners aver that they are indigenous residents of Vipingo in Kilifi County. They claim that the British Colonial Government in 1913 acquired their land purportedly for public use. They were forcibly evicted from their ancestral homelands without compensation or resettlement. They claim that on attainment of independence, the post-independence Government resettled communities across the Country that had been disposed of their lands by the colonial government. However, they have not been resettled and have not regained their ancestral land which was leased to private entities.

The Petitioners are aggrieved that the leases held by the private entities expired recently and were renewed in their favour. They claim that the land has since been subdivided and sold off to third parties. Efforts to address their plight with relevant authorities has not borne fruits. They have therefore approached the National Assembly to-

- i) inquire into the circumstances that led to irregular dispossession of Vipingo community land from its indigenous owners by private entities, with a view to reverting ownership of the said land to the indigenous people of Vipingo in Kilifi County.
- ii) make any other recommendations it deems appropriate in the circumstances of the petition.

Response

Honorable chair, The Ministry has issued titles to both private individuals and private entities in Vipingo area, Kilifi County. When the National Land Commission Act was enacted in 2012 it offered opportunity for review of grants and dispositions. Aggrieved persons were required to file their claims with the Commission. Unfortunately, the period for the review of grants and dispositions under the legislation has since lapsed.

The Act also provides mechanism for redress for historical land injustices claims in the Country. The Community filed their claim No. NLC/HLI/495/2018 with the National Land Commission which is still pending determination. The issues raised in the petition will be considered by the Commission. The Ministry will facilitate implementation of the recommendations of the Commission upon determination of the matter.

Nonetheless, the Ministry has established settlement schemes on land surrendered by Rea Vipingo Estates Limited for settlement of the squatters from the indigenous community of Vipingo area. These parcels of land measuring about 2,631.83 acres cover Vipingo Trading Center, Bureni Ph I and II, Gongoni, Kapecha, Kadzinuni and Takaungu (Boyani) settlement schemes (**Annexure 1**). A total of 4,384 titles have been issued to beneficiaries as per the table below.

No.	Scheme	No. of Parcels/ Titles	LR No.	Size Surrendered (Acres)	Year Allocated
1	Vipingo Trading Centre	1988	262/263	245.76	2009
2	Bureni Ph I and II	263	5025/95 & 5025/218	88.18	2017
3	Gongoni	725	79 MN/1	908	2016
	Kapecha	266	7334/1	296.4	2017
	Kadzinuni	960	MN/N/119/1, 87424/2, MN/IV/120/2	906.49	2017
	Takaungu (Boyani)	182	290/2	187	2012
	TOTAL	4,384		2,631.83	

2. Petition by residents of Keiyo North Constituency regarding compulsory acquisition of land and compensation of the residents by the Government

2.1 Background

Honourable Chair, the Petitioners who are residents of Keiyo North Constituency claim that their land was acquired by the Government through Gazette Notices Nos. 4260 and 4261 of 1985 to allow for the construction of Tambach Teachers Training College. They vacated their land and awaited compensation by means of allocation of alternative land. The Petitioners are aggrieved that the compensation was afforded to other persons who were not the original owners and the legitimate beneficiaries have not received any form of compensation to date.

They aver that the matter has been brought before the Commission of Inquiry into the Land Law System of Kenya ("the Njonjo Commission"), the Commission of inquiry into Illegal/Irregular Allocation of Public Land ("the Ndungu Commission") and the National Land Commission but remains unresolved. They have therefore approached the National Assembly to investigate the matter with a view to ensure that their property rights are upheld.

Response

Honorable Chair, the Ministry received a request from the then District Commissioner, Elgeiyo Marakwet to acquire 81 parcels of land for the construction of Tambach Teachers College. Following the request, the Commissioner of Lands Gazetted the intention to acquire the parcels as requested vide Gazette Notice No. 4260 of October 4, 1985. (**Annexure 2**). On same date October 4, 1985 the Commissioner of Lands issued a Gazette Notice No. 4261 (**Annexure 3**) giving a notice of inquiry for hearing of claims to compensation by persons interested in the affected land.

Thereafter, the District Land Officer, Usain Gishu prepared a land compensation schedule for each of the affected land together with improvements thereon, which was forwarded to the Permanent Secretary Ministry of Education, Science & Technology vide a letter Ref. UG/651/Vol. II/82 dated January 8, 1987. The District Land Officer requested the Permanent Secretary to prepare individual compensation cheques for onward transmission to the affected landowners (**Annexure 4**).

Vide a letter Ref. UG/651/Vol. III/37 dated September 14, 1989, the District Land Officer, Uasin Gishu forwarded another schedule for the remaining plots to the Permanent Secretary Ministry of Education, Science & Technology which letter reminded him that the compensation cheques requested earlier had not been received (**Annexure 5**). Another reminder for the cheques was also made Vide a letter Ref. MLS 20/003 Vol. V/57 dated March 5, 1990 by the Permanent Secretary Ministry of Lands, Housing and Physical (**Annexure 6**).

The Permanent Secretary Ministry of Education wrote to the District Commissioner, Elgeiyo Marakwet vide a letter Ref. D2/6/3/19 dated May 16, 1990 stating that the compensation of land acquired for the construction of Tambah teachers College was to be provided by the local authority (**Annexure 7**).

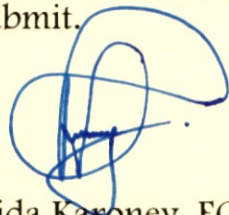
In a response Ref. 12/4/137 dated June 29, 1990, the District Commissioner stated that it was the Ministry of Education, which was to compensate the landowners affected by the construction of the college. (**Annexure 8**).

From our records, the District Land Officer, Uasin Gishu vide a letter Ref. UG/651/ Vol. IV/126 dated September 14, 1992 forwarded to the District Commissioner, Elgeiyo Marakwet two (2) schedules showing the equivalent land compensation to the persons whose land was acquired for the project (**Annexure 9**).

The alternative land was to be given to the affected person and was to take into consideration the acreage of the land to be acquired by the Government and the improvements on the affected land. The compensation money for the improvements was to be converted into land. The matter was left to the District Commissioner to source for the alternative land to resettle the landowners affected by the project.

Honourable Chair, the people affected by the project were allocated alternative land in Uasin Gishu County. However, there are claims that some of the genuine beneficiaries may not have received their share of allocation.

I submit.



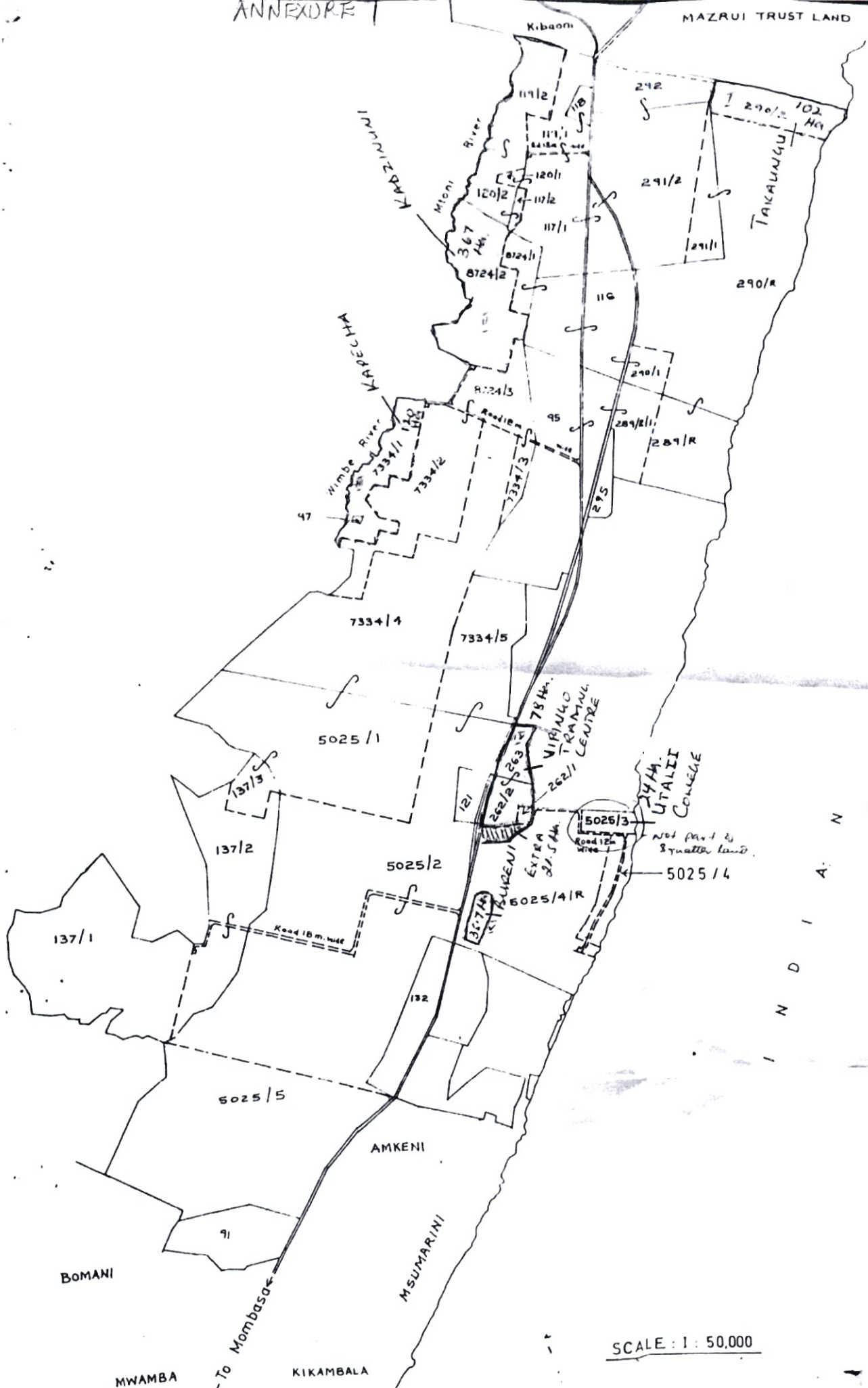
Farida Karoney, EGH
CABINET SECRETARY

September 29, 2020

ANNEXURES

ANNEXURE I

MAZRUI TRUST LAND



SCALE: 1 : 50,000

COLONY & PROTECTORATE OF KENYA.

PROVINCE OF SEYIDIE
DISTRICT OF MALINDI

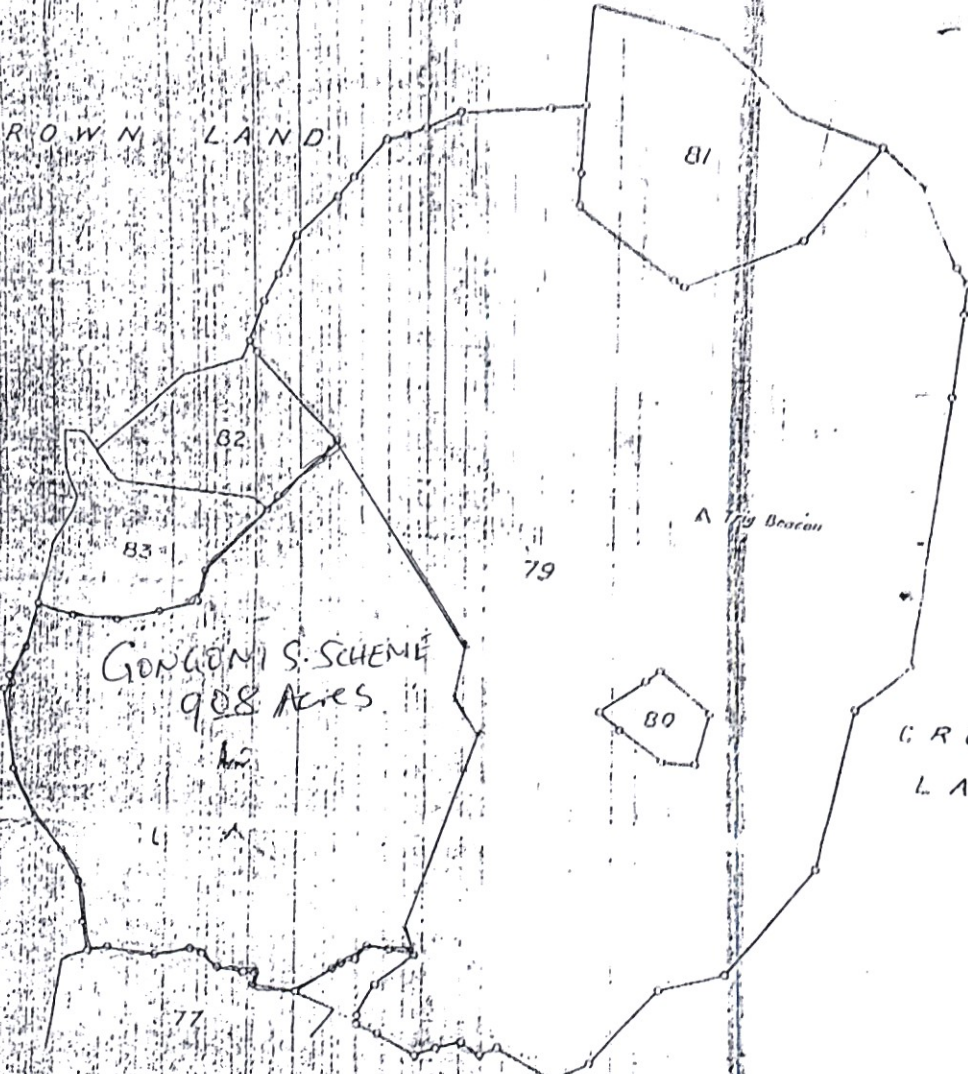
Locality: Gongoni (S.W. of Takungu)

Scale: 1 in. = 25,000 or 2603.33 Feet to 1 Inch.

Land Office Reference No.
for Subdivision No.
of Subdivision No. 79
of Section No. 14 of Abolished No. 1
of Partition No. South A. 37
of Meridional District V. 18. d
Area - 2052.0 Acres (Approx.)

Bearings		Distances	
°	'	Feet	

CROWN LAND



GONGONI S. SCHEME
908 ACRES

A 1/2' Section

CROWN LAND

REGISTERED

A. E. B. d.

Director of Land Survey
Nairobi Nov. 30th 1923

Please quote this PLAN No 21626

Traced by *[Signature]*
Compared by *[Signature]*

GAZETTE NOTICE No. 4260

THE LAND ACQUISITION ACT

(Cap. 295)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 6 (2) of the Land Acquisition Act I give notice that the government intends to acquire the following land for the development of Tambach Teachers Training College.

SCHEDULE

Plot No.	Registration Section	Registered Owner	Approx. Area to be Acquired in Hectares
2359	Kapterik "A"	William Kirui Changwony	0.36
342	"	Richard Kiptoo	0.28
341	"	Kimoi w/o Chesire	0.27
340	"	Kimwetich Katika	0.29
2215	"	Michael Kipsereot Kiptoo	0.49
2422	"	Taprutich Sariaki Kipkurui	0.50
2421	"	Kiprotich Najosio Kimingat	0.21
2213	"	Cheruiyot Chesire Koio	0.50
2216	"	Cheruiyot Chebet	0.60
2217	"	Saina Sokome Kigen	2.4
2218	"	Cherop Cheboswony	0.8
53	"	Chepkok Kibarun	0.15
52	"	Chepkurgat Kirorio	0.10
57	"	Chepkurui Chepyakwoi	0.16
51	"	Lawrence Ruto	0.70
58	"	Cherop Chesengor	0.17
45	"	Saniego Chebiogo	0.21
2507	"	Martin Chepkurui Chebiogo	0.23
46	"	James Chebii Omonei	0.18
49	"	Chebii Chepkoiyo	0.40
2579	"	Francis Kipruto Cheplait	0.70
56	"	Cheptoo Chesoroni	0.34
114	"	Philip Kimaiyo Chepkurui	0.21
115	"	Kimtai Chepkurui Chebor	0.31
116	"	Musa Cheptoo Sawe	0.70
101	"	Esther Maivo	0.36
70	"	Chensat Sirma	0.31
69	"	Michael Bundotich	0.50
77	"	John Wambueu Njuguna	0.45
2502	"	Moses Oenga Siriba	0.12
99	"	Mary Cherono Ruto	0.13
67	"	Tabarbuch Toroitich	0.19
61	"	Phillip Ruto Maina	0.22
66	"	Lobet Kipyra	0.26
75	"	Cheptoo Chesoroni	0.08
79	"	Kimoi w/o Kigen	0.28
74	"	Chesang Ng'eno	0.21
113	"	Michael Kipkorir Cherop	0.28
112	"	Chebor Chemitei	0.34
43	"	William Chebor	0.31
65	"	Joseph Chesergon	0.16
2570	"	John Kangogo Chebii	0.13
72	"	Suter Chebet	0.16
63	"	Kipchoge Chesergon	0.16
2571	"	William Kirui Chepkwony	0.27
71	"	Ruto Sirwanei Maason	0.80
125	"	Cherutich Chepyakwony	0.31
59	"	Kobilo Chesergon	0.20
68	"	Cheptumo Chesire	1.00
76	"	Kipsirim Lemuro	0.90
60	"	Joseph Chesergon	0.19
126	"	Michael Toroitich	0.65
131	"	Kite Chesasio	0.09
129	"	Cheptinga Chesasio	0.10
128	"	Michael Kintanui	0.12
54	"	Kiplagat Chebii	0.60
156	"	Kimnam Chesasio and Thomas Chepkonga	0.59
155	"	Cheptum Chepkurui	0.21
2506	"	Martin Chepkurui Chebiogo	0.36
30	"	Chebor Chebiogo	0.05
39	"	Chepkurui Chepyakwoi	0.68
31	"	William Chepkurui	0.05
29	"	Chepkurgat Kirorio	0.09
28	"	Chebor Chebiogo	0.09
26	"	Musa Cherop Sawe	0.35
25	"	Cherutich Chepyakwoi	0.14
23	"	Chemweno Kirorio	0.11
24	"	Chepkurgat Kirorio	0.10
41	"	Chelelo Chepyakwoi	0.11
50	"	Kigen Sirwanei	0.09
45	"	Saniego Chebiogo	0.21
51	"	Lawrence Ruto	0.70
33	"	Chemweno Tikri	0.13
32	"	Chebor Chemitei	0.35
34	"	Chepkurgat Rotich	0.17
36	"	Chepkitany Bundotich	0.06
2615	"	Chepkitany Bundotich	0.06
35	"	Charles Cheruiyot Chebii	0.34
37	"	Chebor Chemitei	0.31
55	"	Kimo Katsamo	0.33
234	"	Chepkurgat Cherutich	0.21

Plans of the affected land may be inspected during office hours at the office of the Commissioner of Lands, Archi House, Ngong Road, Nairobi, or at Lands Office, Eldoret.

Dated the 25th September, 1985

J. R. NIENGA,
Commissioner of Lands.

GAZETTE NOTICE No. 4261

THE LAND ACQUISITION ACT

(Cap. 295)

NOTICE OF INQUIRY

IN PURSUANCE of section 9 (1) of the Land Acquisition Act, I give notice that an inquiry will be held at Tambach Administration Police lines on Thursday, 31st October, 1985, at 9.30 a.m. for hearing of claims to compensation by the persons interested in the following land:

SCHEDULE

Plot No.	Registration Section	Registered Owner	Approx. Area to be Acquired in Hectares
2359	Kapterik "A"	William Kirui Changwony	0.36
342	"	Richard Kiptoo	0.28
341	"	Kimoi w/o Chesire	0.27
340	"	Kimwetich Karika	0.29
2215	"	Michael Kipsereia Kiptoo	0.49
2422	"	Taprantich Soriaki Kipkurui	0.50
2421	"	Kiprotich Naibosio Kiningat	0.21
2213	"	Cheruiyot Chesire Koio	0.50
2216	"	Cheruiyot Chebet	0.60
2217	"	Saina Sokomo Kigen	2.4
2218	"	Cherop Cheboswony	0.8
53	"	Chepkok Kibaoun	0.15
52	"	Chepkurgat Kirorio	0.10
57	"	Chepkurui Chepnyakwoi	0.16
51	"	Lawrence Ruto	0.70
58	"	Cherop Chesangor	0.17
45	"	Saniego Chebiego	0.21
2507	"	Martin Chepkurui Chebiego	0.23
46	"	James Chebii Omonei	0.18
49	"	Chebii Chepkoiye	0.40
2579	"	Francis Kipruto Cheplait	0.70
56	"	Cheptoo Chesorom	0.34
114	"	Philo Kimaiyo Chepkurui	0.21
115	"	Kimtai Chepkurui Chebor	0.31
116	"	Musa Cheptoo Sawa	0.70
101	"	Esther Maiyo	0.36
70	"	Chesat Sirma	0.31
69	"	Michael Bundotich	0.50
77	"	John Wambuzi Njuguna	0.45
2502	"	Moses Oenga Siriba	0.12
99	"	Mary Cherono Ruto	0.13
67	"	Tabarbuch Toroitich	0.19
61	"	Phillip Ruto Maina	0.22
66	"	Lebet Kipyia	0.26
75	"	Cheptoo Chesorom	0.08
79	"	Kimoi w/o Kigen	0.28
74	"	Chesang Ng'eno	0.21
113	"	Michael Kipkorir Cherop	0.28
112	"	Cheboi Chemitei	0.34
70	"	Chesat Sirma	0.31
43	"	William Cheboi	0.31
63	"	Joseph Chesorgon	0.16
2570	"	John Kangogo Chebii	0.13
72	"	Suter Chebet	0.16
63	"	Kipchoge Chesorgon	0.16
2571	"	William Kirui Chekwony	0.27
71	"	Ruto Sirwani Maason	0.30
125	"	Cherudich Chepnyakwoi	0.31
59	"	Kobilo Chesorgon	0.20
68	"	Cheptumo Chesire	1.00
76	"	Kipsirim Lemuto	0.90
60	"	Joseph Chesorgon	0.19
126	"	Michael Toroitich	0.05
131	"	Kite Chesio	0.09
129	"	Chentinga Chesasio	0.10
128	"	Michael Kiptanui	0.12
54	"	Kiplagat Chebii	0.60
156	"	Kimman Chesasio and Thomas Chenkonga	0.59
155	"	Chentum Chepkurui	0.21
2506	"	Martin Chepkurui Chebiego	0.36
30	"	Chebore Chebiego	0.66
39	"	Chepkurui Chepnyakwoi	0.08
31	"	William Chepkurui	0.05
29	"	Chepkurgat Kirorio	0.09
28	"	Chebore Chebiego	0.09
26	"	Musa Cherop Sawa	0.35
25	"	Cherutich Chepnyakwoi	0.14
23	"	Cherweno Kirorio	0.11
24	"	Chepkurgat Kirorio	0.10
41	"	Chelulo Chepnyakwoi	0.11
50	"	Kigen Sirwani	0.09
45	"	Santiago Chebiego	0.21
51	"	Lawrence Ruto	0.70
33	"	Cherweno Tibri	0.13
32	"	Cheboi Chemitei	0.35
34	"	Chepkora Rotich	0.17
36	"	Chepkaitany Bwandich	0.06
2615	"	Chepkaitany Bwandich	0.06
35	"	Charles Cherutot Chebii	0.24
37	"	Cheboi Chemitei	0.31
55	"	Kino Kaisamo	0.33
234	"	Cheptaget Cherudich	0.21

Every person who is interested in the land is required to deliver to me not later than the day of inquiry a written claim to compensation.

Dated the 25th September, 1985

I. K. NIENGA,
Commissioner of Land.

VAL-834
MINISTRY OF LANDS AND SETTLEMENT

ANNEXURE 4

CVO

Telephone:

When replying please quote

Ref. No. UG/651/Vol.II/82
and date



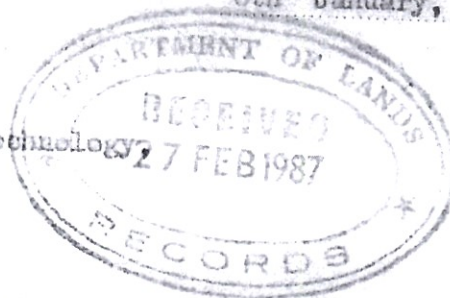
DISTRICT LANDS OFFICE
ELDORET

P.O. BOX 173

8th January, 1987

23

The Permanent Secretary,
Ministry of Education Science & Technology
P.O. Box 30040,
NAIROBI.



RE: LAND ACQUISITION ACT (CAP. 295)
TAMBACH TEACHERS TRAINING COLLEGE
GAZETTE NOTICE NOS. 4260 & 4261 OF
4TH OCTOBER, 1985

The Land Acquisition process for the above project has been finalized and I have issued Award to the affected persons.

I would therefore be grateful if you would issue individual cheques in respect of the names as shown in column 4 and amount of compensation as shown in column 7 of the attached schedule.

The cheques should be forwarded to me for my onward transmission to the land owners through the District Commissioner Elgeyo Marakwet District.

Please note that I shall not issue Notice of Taking Possession and Vesting the land in the Government until the affected persons have been compensated.

M. MOINDI

(M. MOINDI)
DISTRICT LAND OFFICER

MM/jam
c.c.

The District Commissioner,
Elgeyo Marakwet District,
P.O. Box 200,
ITEN.

✓ The Commissioner of Lands,
P.O. Box 30089,
NAIROBI. (actn: Chief Valuer)

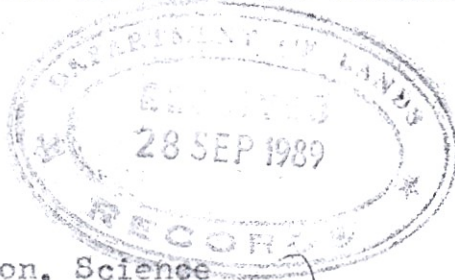
*Noted.
file & pa.
W. Machini 10/3.*

VAC. 834

MINISTRY OF LANDS AND HOUSING

MO

Tel. 33642



District Land Office,
P.o. Box 173,
ELDORET.

Ref. UG/651/Vol.III/37

14th September, 1989.

The Ministry of Education, Science
And Technology,
P.o. Box 30040,
NAIROBI.

(31)

RE: LAND ACQUISITION ACT(CAP.295)
TAMBACH TEACHERS TRAINING COLLEGE
GAZETTE NOTICE NOS.4260 & 4261 OF
4TH OCTOBER,1985

Please refer to my letter UG/651/Vol.11/82 of 8th January,1987.

It is disheartening to note that people affected by the above acquisition as submitted by my above quoted letter have not been compensated to date. It is now three years and the college development is about to be completed.

Forwarded herewith is a second schedule for payment resulting from the extension of the college ground.

Please issue individual cheques in respect of the names as shown in column 4 and amount as shown in column 7 of the schedule 'A' attached.

I would also request you to issue one composite cheque in the name of the 'Registrar High Court Nairobi' for the total amount (KShs.44,290.00/=) as shown in column 7 of the schedule 'B' attached.

All the chques should be forwarded to me for my onward transmission to the Land owners through the District Commissioner, Elgeyo Marakwet District.

Please expedite as such long delay in payment causes suffering to the affected persons as they may not get alternative land to buy with the same monies.

M. MOINDI
M. Moindi
DISTRICT LAND OFFICER.

MM/dkm.

c.c.
The District Commissioner,
Elgeyo Marakwet,
P.o. Box 200,
ITEN.

The Commissioner of Lands,
P.o. Box 30089,
NAIROBI.

Encls....

~~Am. Ndlovu~~
VAC.
18/10/89
Ndlovu

Devo (A)
24/10/89

Wote
24/11

Ndlovu

VAC 834

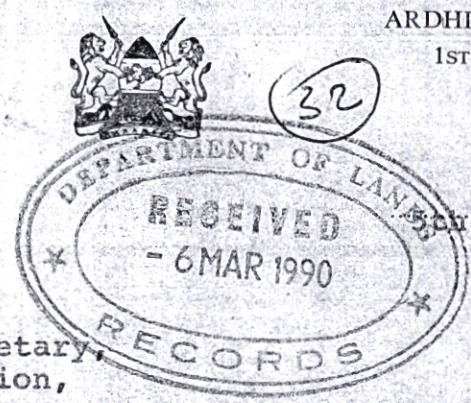
MINISTRY OF LANDS, HOUSING AND PHYSICAL PLANNING

CWO

Telegrams: "MINILANDS", Nairobi
Telephone: Nairobi 728060 and 728860
When replying please quote

ARDHI HOUSE
1st NGONG AVENUE
OFF NGONG ROAD
P.O. Box 30450
NAIROBI

Ref. No. M/S 20/003 Vol.V/57
Land Date



5th March 1990

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

(Att: The P.F. & E.O., Mr Mule).

LAND AQUISITION ACT TAMBACH TEACHERS COLLEGE

We spoke Opar/Mule.

Our Ministry acquired some land in Elgeyo-Marakwet district some three years ago on behalf of your Ministry for the construction of the above Teachers College.

Naturally, the Government was supposed to compensate the landowners for their land as provide for in the Act. It has taken quite a time and the landowners are now complaining because of the delay.

The purpose of this letter is to request your Ministry to release the compensation cheques to our District Lands Officer Eldoret for onward transimission to the Land owners so that they do not feel cheated.

The necessary details as regards the particulars of the land and the landowners, the amount due etc. are already in your office.

Please take up the matter so that it can be finalised.

Thank you.

E. M. O. OPAR
E.M.O. OPAR
FOR: PERMANENT SECRETARY

C.C.

The Commissioner of Lands,
NAIROBI.

The District Lands Officer,
Uasin Gishu,
P.O. Box 173,
ELDORET.

SNO (A)

No trail (seen)
- lib

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VAL. 834

MINISTRY OF EDUCATION

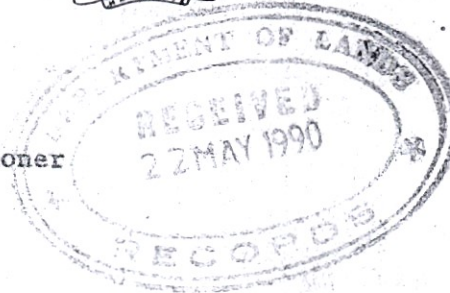
Telegrams: EDUCATION", Nairobi
 Telephone: Nairobi 28411
 When replying please quote
 Ref. No. ...D...2/5/3/19
 and date



JOGOO HOUSE
 HARAMBEE AVENUE
 P.O. Box 30040
 NAIROBI

16th May 1990

The District Commissioner
 Elgeyo Marakwet
 P.O. Box 200
 ITEN



TAMBACH PRIMARY TEACHERS TRAINING COLLEGE -
LAND ACQUISITION ACT (CAP.295)

GAZETTE NOTICE NOS.4260 AND 4261 OF 4TH OCTOBER 1985

Your letter ED.12/28/Vol.I/86 of 7th May 1990 refers.

Before the construction of the Teachers Training College was started, the Land issue had been sorted out by the parties concerned. Correspondences emanating from your office confirmed that the Land was to be provided by the Local authority and where any compulsory acquisition was involved, payment for compensation was to be made by the District Commissioner.

The District Commissioner in his letter Ref.CON.ED.12/4(48) of 19th May 1986 confirmed to the Director IDA/IBRD Project Unit that he had received authority to compensate those whose lands would be acquired for the project. He further stated that compensation cheques were to be out within three weeks from the date of his above quoted letter.

As far as this office is concerned, the compensation issue rests with your office and you are in a position to pursue the matter from your end by finding out whether compensation was executed as stipulated in the letter from your office of 1986. Before the college construction started, it was mandatory that Land was to be available locally and that all details were to be dealt with by the local administration.

W.N. WAMBUGU
 FOR: PERMANENT SECRETARY

cc: The District Land Officer,
 P.O. Box 173
 ELDORET

The Commissioner of Lands
 P.O. Box 300089
 NAIROBI

Scvo (A)
 2/1/90

OFFICE OF THE PRESIDENT

NAL-834

CONFIDENTIAL

(Handwritten marks: a circled '97' and a circled '37')

DISTRICT COMMISSIONER'S OFFICE,
ELGEYO MARAKWET DISTRICT,
P.O BOX 200,
ITEN.

Ref.No.CON.ED.12/4/137

29th June, 1990

The Permanent Secretary,
Ministry of Education,
P.O Box 30040,
NAIROBI

(Handwritten notes: 'C.K.B.' with a line through it, 'f.i.', and a signature with '17/7/90')

Dear Sir,

RE: TAMBACH TEACHERS TRAINING COLLEGE

LAND ACQUISITION ACT (CAP 295)

GAZETTE NOTICE NOS.4260 AND 4261 OF 4th OCT.1985

Your letter Ref.D.2/6/3/19 dated 16th May,1990 in response to my office letter Ref.ED.12/28 Vol.1/86 of 7th May,1990 refers.

The former D.E.O wrote several letters to your office on compensation for the land owners affected as a result of the construction of Tambach Teachers Training College. There seems to have been no reaction from your office on record. The letters were: K/M/128/Vol.1/14 dated 23th June,1985, K/M/128/Vol.1/16 dated 23rd July,1985 and K/M/128/Vol.1/43 dated 4th November,1987. Further, correspondence on compensation were sent to your office by the District Land Officer, Ref.UG/651/2 dated 17th July,1985, UG/651/Vol.11/62 dated 8th January, 1987 and UG/651/Vol.111/37 dated 14th September, 1989.

Suffice to note that no action seems to have been taken on compensation correspondences to your office.

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(Handwritten note: 'Devo (A) 23/7/90 Mwaniki')

(Handwritten note: 'Notes by Mwaniki 27/7')

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I am therefore requesting your office to make urgent arrangements to send funds for compensation. You will agree with me that the issue of payment is long overdue taking into account that, the college will be nearing completion by November this year (1990). All evidence indicates that it is your ministry to compensate.


Please expedite. Awaiting your reply.

Yours faithfully,

Wilson A. Chepkwony

W.A. CHEPKWONY
DISTRICT COMMISSIONER
ELGEYO MARAKWET

c.c

 Commissioner of Lands,
P.O Box 30089,
NAIROBI

Provincial Commissioner,
Rift Valley Province,
P.O Box 28,
NAKURU

District Education Officer,
Elgeyo Marakwet,
ITEN

Clerk,
Keiyo Marakwet County Cl.,
ITEN

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VAL-834

MINISTRY OF LANDS AND HOUSING

Telephone: Eldoret 33642
When replying please quote

Ref. No. UG/651/Vol.IV/126
and date



DISTRICT LANDS OFFICE
P.O. Box 173
ELDORET
...14th Sept... 19.92

The District Commissioner,
Keiyo-Marakwet,
P.o. Box 200,
ITEN.



THE LAND ACQUISITION ACT - CAP.295
TAMBACH TEACHERS COLLEGE
COMPENSATION BY WAY OF LAND

I refer to our recent telephone conversation (Chepkwony/Muse).

I append hereby two schedules showing the equivalent land compensation to the persons whose land was acquired for the above project.

In arriving at the total land equivalent for each affected persons I have taken into account the following points:

1. The original area of land acquired from the parcel(s) of each of the affected persons.
2. The Land Acquisition Act. Cap,295 provides for a statutory addition of 15% of the value of land and improvements of the area acquired from each parcel to arrive at the total compensation.
3. The land equivalent of the value of improvements has been arrived at by dividing the value of the improvements for each affected person by the value per Ha. of land that was used at arriving at the value of the land.

Schedule 'B' contains the land equivalent for affected persons who rejected the awards of compensation by the Commissioner of Lands and intended to appeal to the High Court against the awards. It is my considered view that the equivalent of land for persons affected but who declined the awards as shown in the schedule be set aside. The final settlement of compensation will depend on the decision(s) of the Land Acquisition compensation Tribunal and the High Court.

BKW MUSE

B.K.W. MUSE
DISTRICT LAND OFFICER.

C.C.
The Commissioner of Lands, *BKWH*
P.o. Box 30089, NAIROBI.

The Principal,
Tambach Teachers College,
Private Bag, ITEN.

The Permanent Secretary,
Ministry of Education,
P.o Box 22841, NAIROBI.

Mr. Cutler

W. M. M. 3/11/92

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