



*Approved*  
*SNA*  
*11/11/25*

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

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PUBLIC PETITIONS COMMITTEE

REPORT ON

THE CONSIDERATION OF PUBLIC PETITION NO. 11 OF 2023 BY MR BONIFACE OTIENO OPARE AND FOUR OTHERS REPRESENTING MEMBERS OF TIM KINDA SELF-HELP GROUP REGARDING THE ILLEGAL ACQUISITION OF PRIVATE LAND BY THE DEFUNCT AWENDO TOWN COUNCIL

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: <b>11 NOV 2025</b>	
DAY: <i>Tuesday</i>	
TABLED BY:	<i>Hon. Eric Karemba, CBS (Chairperson, Public Petitions Committee)</i>
CLERK-AT THE-TABLE:	<i>Afabo Moch</i>

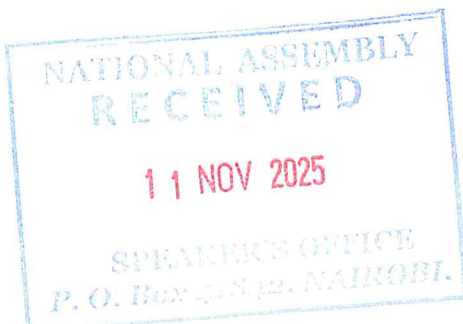
**The Directorate of Audit, Appropriations  
& General Purpose Committees**

The National Assembly

Parliament Buildings

**NAIROBI**

November, 2025







**REPUBLIC OF KENYA**

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## **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 Public Petitions Committee regarding the illegal acquisition of private land by the Defunct Awendo Town Council. The petition was conveyed by the Honourable Speaker on Wednesday, 8<sup>th</sup> March, 2023, pursuant to Standing Order No. 225 (2) (b) on behalf of Mr. Boniface Otieno Opere and four others representing members of Tim Kinda Self-Help Group in Awendo Town, Migori County.

The petitioners prayed that the National Assembly, through the Public Petitions Committee, engages the Ministry of Lands, Public Works, Housing and Urban Development to ensure that the Petitioners are duly compensated for the lands they lost due to illegal allocation by the defunct Awendo Town Council.

In consideration of the petition, the Committee met with the Petitioners, the Chairperson, National Land Commission, and the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development. The Committee also received written submissions from the County Secretary, Migori County.

The Committee observed that the issue under contention had been litigated to the Supreme Court; further, it concerned revisionary interest rights over compulsorily acquired land, rather than compensation. Further except for the 7<sup>th</sup> Respondent (*Obiero Omedo*), it is therefore evident from the Court ruling that the issue of compensation was not disputed.

The Committee recommends that the National Lands Commission, in collaboration with the Ministry of Lands, Public Works, Housing and Urban Development and the County Government Migori, compensate Mr Obiero Omedo for the loss of his land title No. North Sakwa/Kamasonga/1193 within ninety (90) days of the tabling of this report

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat 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 table the report before the House.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**THE HON. KAREMBA MUCHANGI, M.P.**

**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

## **PART ONE**

### **I PREFACE**

#### **1.1 Establishment and mandate of the committee**

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

## 1.2 Committee Membership

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)

**Chuka Igambang'ombe Constituency**

United Democratic Alliance (UDA)

Vice Chairperson

**Hon. Janet Jepkemoi Sitienei, CBS, M.P.**

**Turbo Constituency**

United Democratic Alliance (UDA)

**Hon. Bernard Muriuki Nebart, M.P.**

**Mbeere South Constituency**

Independent

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

**Mavoko Constituency**

Wiper Democratic Movement-Kenya (WDM-K)

**Hon. Bidu Mohamed Tubi, M.P.**

**Isiolo South**

Jubilee Party (JP)

**Hon. Edith Vethi Nyenze, M.P.**

**Kitui West Constituency**

Wiper Democratic Movement-Kenya (WDM-K)

**Hon. Peter Irungu Kihungi, M.P.**

**Kangema Constituency**

United Democratic Alliance (UDA)

**Hon. Maisori Marwa Kitayama, M.P.**

**Kuria East Constituency**

United Democratic Alliance (UDA)

**Hon. John Bwire Okano, M.P.**

**Taveta Constituency**

Wiper Democratic Movement-Kenya (WDM-K)

**Hon. Joshua Chepyegon Kandie, M.P.**

**Baringo Central Constituency**

United Democratic Alliance (UDA)

**Hon. Peter Mbogho Shake, M.P.**

**Mwatate Constituency**

Jubilee Party (JP)

**Hon. Beatrice Kadeveresia Elachi, M.P.**

**Dagoreti North Constituency**

Orange Democratic Movement (ODM)

**Hon. Suzanne Ndunge Kiamba, MP**

**Makueni Constituency**

Wiper Democratic Movement-Kenya (WDM-K)

**Hon. Sloya Clement Logova, M.P.**

**Sabatia Constituency**

United Democratic Alliance (UDA)

**Hon. Ntwiga Patrick Munene, M.P.**

### I.3 Committee Secretariat

The secretariat comprises the following:

Mr. Leonard Machira  
**Principal Clerk Assistant II**

Mr. Benard Kipchumba  
**Clerk Assistant III**

Ms. Nancy Akinyi  
**Research Officer III**

Ms. Roselyn Njuki  
**Senior Sergeant at Arms**

Ms. Felister Muiya  
**Public Communications Officer**

Mr. Clinton Sindiga  
**Legal Counsel Officer II**

Mr. Arkan Mumin  
**Research Officer III**

Mr. Calvin Karungo  
**Media Relations Officer**

Mr. Peter Mutethia  
**Audio Officer**

## **PART TWO**

### **2 BACKGROUND INFORMATION ON THE PETITION**

#### **2.1 Introduction**

2. Public Petition No. 11 of 2023 regarding the Illegal acquisition of private land by the defunct Awendo Town Council was presented by the Honourable Speaker on Wednesday, 8<sup>th</sup> March, 2023, on behalf of Mr Boniface Otieno Opere and four others representing members of Tim Kinda Self-Help Group in Awendo Town, Migori County.
3. The Petitioners averred that in 1985, Awendo Town Council officials initiated the process of allocating 371.575 acres of land to third parties in Awendo without the consent of the original landowners.
4. The Petitioners stated that in 1988, the then South Nyanza District Plot Allocation Committee halted the allocation of plots to various persons because the government had not acquired the said plots. The Petitioners further claimed that they had complained to the Ministry of Lands and that they had been confirmed as the legal owners of the said land. Subsequently, the then Chief Land Registrar directed the District Land Registrar to resurvey and issue a title deed to the rightful land owners.
5. The Petitioners further averred that, in 2003, the Awendo Township Council began evicting landowners without any notice or court order, as the government had compulsorily acquired the parcels of land in question. The landowners subsequently complained to the then Ministry of Local Government for compensation; however, the Ministry declined the request and referred the petitioners to the Awendo Town Council.
6. Consequently, the petitioners took legal action in 2005 by suing the Awendo Town Council at the High Court in Kisii. The court ruled in the petitioners' favour because the Council failed to produce the acquisition and compensation documents as directed.
7. The Awendo Town Council appealed the High Court's decision to the Court of Appeal, which dismissed the appeal and directed the District Land Registrar to issue title deeds to the original owners.

8. The Awendo Town Council was dissatisfied with the Court of Appeal judgment and applied for a certificate to appeal to the Supreme Court, but the application was dismissed.
9. The efforts to have the matter raised in the petition addressed by the relevant bodies and offices were futile.

## 2.2 **Petitioners' Prayers**

The Petitioners prayed that the National Assembly, through the Public Petitions Committee—

10. Engages the Ministry of Lands, Housing & Urban Development to ensure that the Petitioners are duly compensated for the lands they lost due to illegal allocation by the defunct Awendo Town Council.

## **PART THREE**

### **3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION**

#### **3.1 Submissions by the Petitioners**

The Petitioners, led by Mr. Boniface Otieno Opere appeared before the Committee on Thursday, 10<sup>th</sup> August, 2023, and submitted as follows—

11. Awendo Team Kinda Group represented 100 families living on forty-three (43) parcels of land. The members of the group were the original owners of the land where Awendo Town is situated. Land adjudication in the area was completed from 1971 to 1974, and by 1975, title deeds were issued to the residents.
12. In 1976, Sony Sugar Company compulsorily acquired the land for cane growing. In December 1976, a Gazette Notice was issued stating that Sony Sugar Company was acquiring land for the sugar scheme (for the expansion of Awendo Market; Gazette Notice 3737), which later became Awendo Town.
13. However, the Awendo Town expansion land was not acquired as envisioned in the Gazette Notice. Later, the Awendo Town Council began allocating land to people without compensating the original owners.
14. Subsequently, the group met with the Town Clerk to resolve the matter. The Town Clerk informed them that the original landowners had been compensated and that the records were available. The group proceeded to engage the Ministry of Lands to obtain documents as proof of compensation. The Principal Secretary, Ministry of, found no record of the documents related to the compensation of Awendo's original landowners and referred them back to the Town Clerk, who would provide the necessary acquisition documents.
15. The petitioners filed a case in the High Court, which ruled that the land belonged to them because there were no records. Awendo Town Council appealed the ruling, and the Court of Appeal dismissed the case, ordering the land registrar to issue the title deed. When the Supreme Court heard the matter, it ruled that the land belonged to the Government. The petitioners, therefore, sought the Committee's assistance in obtaining titles to their land.

### **3.2 Submissions by the National Land Commission**

The National Land Commission (NLC) Chairperson, Mr. Gershom Otachi, appeared before the Committee on 4<sup>th</sup> October, 2023, and submitted as follows—

16. While considering the petition, the NLC was informed of the Court of Appeal's ruling in Kisumu (Civil Appeal No. 161 of 2010), in which the Town Council of Awendo appealed against a judgment delivered in Kisii High Court Civil Suit No. 133 of 2006. The Decree by the High Court, which the Court of Appeal confirmed, was to the effect that the original owners of the suit land ought to be registered as the lawful owners of the unutilized parcels of the suit land and that the unutilized parcels be re-surveyed, title deeds thereof issued to the rightful persons by the area Land Registrar.
17. Therefore, the Director of Survey and the Chief Land Registrar were responsible for implementing the decree. In addition, since the County Government of Migori succeeded the Awendo Town Council, which was involved in the litigation, any challenges in implementing the Decree should be addressed jointly by the County and the Ministry.
18. That, since the case had been taken to the Supreme Court and the Court had issued a ruling, the ruling would inform the available options to address the Petitioners' prayers.

### **3.3 Submissions by the County Government of Migori**

The County Secretary, Migori County, Mr Oscar Olima, vide a letter Ref: No. CGM/CS/G.C/VOL. VI/24/036 and dated 1<sup>st</sup> July 2024, submitted a written response to the Petition as follows—

19. The matter raised in the Petition was the subject of judicial proceedings culminating in the Supreme Court of Kenya's Civil Petition No. 37 of 2014, with a judgment delivered on 30<sup>th</sup> April 2019. The court ordered as follows—
  - (i) The Petition of Appeal, dated 10 December 2014, was allowed.
  - (ii) The Judgment of the Court of Appeal dated 18<sup>th</sup> October, 2013 was overturned;
  - (iii) Compensation by the Government of Kenya was ordered to the 7<sup>th</sup> Respondent for the loss of his Land Title No. North Sakwa/Kamasonga/1193; and
  - (iv) Each Party was to bear their own costs of the Appeal.

20. While the petitioners asserted in the petition that the Town Council of Awendo's appeal was dismissed, the matter was heard and determined in favour of the Petitioner (Town Council of Awendo).
21. The order concerning compensation as contained in the judgment referenced above affected only the 7<sup>th</sup> respondent (the proprietor of Parcel No. North Sakwa/ Kamasoga/ 1193), who was to be compensated by the Government of Kenya for the loss of his land.

#### **3.4 Submissions by the Ministry of Lands, Public Works, Housing and Urban Development**

The Principal Secretary for the State Department of Lands appeared before the Committee on Wednesday, 15<sup>th</sup> November 2023, and submitted as follows—

22. In 1976, the Government of Kenya issued two Gazette Notices informing the public of its intention to acquire privately owned parcels of land in the then South Nyanza District. The Government was acting pursuant to the provisions of Section 75 of the Constitution and Section 6(2) of the Land Acquisition Act of 1968 (now repealed).
23. The Government proceeded to acquire various parcels in Awendo Township. Subsequently, the affected proprietors were fully compensated. In 2005, the acquisitions were challenged by the petitioners in the High Court Civil Suit No. 133 of 2005, Kisumu. The Petitioners herein challenged the process of compulsory acquisition of the gazetted parcels and the Government's allocation of the unutilized portions to third parties. The High Court ruled in favour of the petitioners, directing the District Land Registrar to re-survey the unutilized land and issue title deeds to the petitioners.
24. The County Council of Awendo, being dissatisfied with the decision of the High Court, lodged an Appeal at the Court of Appeal in Civil Appeal No. 161 of 2010. The Court of Appeal upheld the Judgment of the High Court and dismissed the appeal.
25. The County Council of Awendo further appealed the Court of Appeal's judgment to the Supreme Court. In Petition No. 37 of 2014, the Supreme Court overturned the Court of Appeal's judgment.

26. It was the Supreme Court's opinion that the Government of Kenya compulsorily acquired the parcels and that the proprietors of the parcels in the Gazette Notices were fully compensated. However, the court noted that Parcel No. North Sakwa/Kamasoga/1193 was not listed in the gazette notices, and the proprietor had not been compensated. The issues canvassed in the Petition have been adjudicated by the highest court in the Country.
27. Regarding the restriction on the North Sakwa/Kamasoga/1193 land and whether it was also compulsorily acquired, the Ministry stated that current records in the Ministry of Lands indicate a restriction by way of acquisition. From the Supreme Court decision, there could have been a restriction, and the government did not proceed to acquire the specific land.
28. The Supreme Court's decision on the land indicated that it had not been acquired, highlighting an error in the documents presented to it. The Cabinet Secretary request more time to establish the facts about the matter. Assuming the land was restricted and recorded as an acquisition, the restriction would be vacated and the land released to the original owners. However, the land may not have been compensated.
29. The Ministry indicated that the restriction was lifted in 2014, and a title deed was issued to Mr. Obiero Anedo as per High Court decree in Civil Suit No. 133 of 2005. The restriction was that no dealings could occur until the acquired portion had been transferred to the government. The practice has been that whenever an acquisition occurs, a search restriction is placed until the land is surveyed and the owner's actual acreage is established.

**On Thursday, 29<sup>th</sup> February 2024, the Cabinet Secretary for the Ministry of Lands, Public Works, Housing and Urban Development appeared before the Committee in a follow up meeting and clarified as follows—**

30. The parcel, North Sakwa/Kamasoga/1193, measuring 0.5 Hectares, was initially registered in favour of Obiero Omedo on 9th February 1977 as the absolute proprietor. However, on 18<sup>th</sup> April 1984, a restriction was registered against the said parcel of land, prohibiting any dealings until a portion measuring 0.5 Hectares, set aside for the expansion of the South Nyanza Sugar Scheme (Awendo Township Expansion) in South Nyanza District, has been transferred to the Government.

31. The parcels that were supposed to be surrendered to the Government were advertised vide Gazette Notice No. 3737 of 24th December 1976, outlining various parcels to be acquired by the Government for the reasons mentioned above.
32. The parcel LR No. North Sakwa/Kamasoga/1193 was unutilized for gazetted reasons because the land was deemed unsuitable for sugarcane farming and was not occupied by the South Nyanza Sugar Scheme. Considering section 75 of the Constitution required that once land has been compulsorily acquired, it ought to be used for a designated purpose only, the original owners ought to be registered as the lawful owners of the unutilized parcels of the land.
33. A case was filed by the registered owner of the land, along with twelve (12) others, presenting seventeen (17) issues for court determination. A decision was made by a court judgment dated November 19, 2009, in Civil Suit No. 133 of 2005 at Kisii High Court.
34. According to the decree, the court ordered the restriction to be withdrawn and a transfer to be registered in favour of the initial owner (Obiero Omedo). Upon the registration of the transfer, a title deed was issued in favour of one Obiero Omedo, the initial registered proprietor.
35. On 26<sup>th</sup> May 2021, vide Succession Case No. 179 of 2019 in Migori Law Courts, the said parcel of land was transferred to George Otieno Obiero as a beneficiary, and a title deed was issued. Upon transfer, the register was closed on 25<sup>th</sup> September, 2023, due to the subdivision into two portions, numbers 2945 and 2946, and therefore, the above register ceased to exist.

## PART FOUR

### 4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, with the various stakeholders, including the National Lands Commission, and Ministry of Lands, Public Works, Housing And Urban Development and the County Government of Migori the Committee made observations on various concerns raised by the petitioners as follows—

36. The main issue arising in the Petition is compensation of residents of North Sakwa/Kamasoga claiming twenty-eight (28) land parcels of the 68.28 Hectares, and South Sakwa/Wawere claim thirty-one (31) land parcels of the 76.31 Hectares.
37. The matter was considered by the *High Court in Kisii Civil Case 133 of 2005*, which held that the unutilised parcels of land should revert to the petitioners, the original owners.
38. The matter was appealed at the Court of Appeal in *Town Council of Awendo v Nelson Oduor Onyango & 13 Others (2015) eKLR* because: the High Court's finding that the acquired property was not meant to benefit the appellant was contrary to the pertinent Gazette Notices of 1976, and was made in error; the Government had not been enjoined as a party to the suit, despite the adverse orders against it; and that the suit was time barred. The appeal was dismissed, and the High Court's decision was upheld.
39. The matter was further appealed at the Supreme Court in *Town Council of Awendo v Nelson O Onyango & 13 others; Abdul Malik Mohamed & 178 others (Interested Parties) [2019] eKLR*. The Supreme Court determined that the Government compulsorily acquired the suit land in accordance with the provisions of Section 75 of the repealed Constitution and Section 6(2) of the Land Acquisition Act, 1968 (*now repealed*). The Supreme Court determined that:
  - (i) The 1<sup>st</sup> to the 13<sup>th</sup> Respondents were fully compensated in accordance with the applicable law. Finally, the Court determined that the parcels of land in question were acquired for a public purpose.

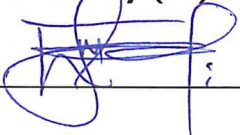
- (ii) The title acquired by the petitioners, save for the 7<sup>th</sup> Respondent, became extinguished upon the compulsory acquisition. Their estates in the said parcels ceased to exist and became fused with the States' superior title. These parcels became public land after being compulsorily acquired for public purposes in accordance with the Constitution and the law. The Petitioners were compensated for the loss of their land to the public interest.
  
- (iii) Through the Gazette Notices Nos. Sections 2996 and 3737 of 1976, all parcels of land whose land titles are listed therein, were compulsorily acquired for the South Nyanza Sugar Scheme and vested in the Government of Kenya. Migori County presently holds that land in trust for the residents, and as the implementing agency of the public purpose for which the land was compulsorily acquired.
  
- (iv) The 7<sup>th</sup> Respondent (*Obiero Omedo*) is to be fully compensated by the Government for the loss of his Land Title No. North Sakwa/Kamasonga/1193.
  
- (v) Except for the 7<sup>th</sup> Respondent (*Obiero Omedo*), it is evident from the Court ruling that the issue of compensation was not disputed. The main issue litigated was the reversionary interest of the unutilised land that was compulsorily acquired.

**PART SIX**

**5 COMMITTEE RECOMMENDATIONS**


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

- 1. On the prayer that the Committee engage the Ministry of Lands, Housing and Urban Development to ensure that the Petitioners are duly compensated for the lands they lost due to illegal allocation by the defunct Awendo Town Council, the Committee notes that the Supreme Court in Petition 37 of 2014 Town Council of Awendo V Onyango and 13 others determined that the original owners of the land in question, were compensated for compulsory acquisition, except for Mr.Obiero Omedo. **The Committee recommends that the National Lands Commission, in collaboration with the Ministry of Lands, Public Works, Housing and Urban Development and the County Government Migori, compensate Mr Obiero Omedo for the loss of his land title No. North Sakwa/Kamasonga/1193 within ninety (90) days of the tabling of this report.**

Signed:  \_\_\_\_\_

Date: 11/11/2025

**THE HON. KAREMBA MUCHANGI, M.P.**  
**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
<b>DATE: 11 NOV 2025</b>	
<b>DAY: Tuesday</b>	
<b>TABLED BY:</b>	Hon. Eric Karemba, CBS (Chairperson, Public Petitions Committee)
<b>CLERK-AT THE-TABLE:</b>	Afeso Mado.

## **ANNEXURES**

- Annex 1: Adoption List
- Annex 2: Minutes of the 66<sup>th</sup> Sitting held on Wednesday, 4<sup>th</sup> October 2023
- Annex 3: Minutes of the 80<sup>th</sup> Sitting held on Wednesday, 15<sup>th</sup> November 2023
- Annex 4: Minutes of the 5<sup>th</sup> Sitting held on Thursday, 29<sup>th</sup> February 2024
- Annex 5: Ref: No. CGM/CS/G.C/VOL. VI/24/036 by the County Government of Migori
- Annex 6: Minutes of the 44<sup>th</sup> Sitting held on Thursday, 7<sup>th</sup> November 2025



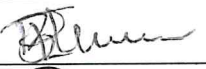


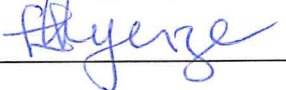

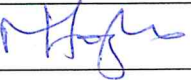
**PUBLIC PETITIONS COMMITTEE**

**ADOPTION LIST**

(i) Consideration and adoption of the Report on Public Petition No.11 of 2023 by Mr. Boniface Otieno Opere of Tim Kinda Self – Help Group, regarding Illegal acquisition of private land by the defunct Awendo Town Council.

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

DATE: 6/11/2025

	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, M.P.	
9.	Hon. Bidu Mohamed Tubi, 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.	