

REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE'S COURT AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL CASE NO. E5308 OF 2020

KEPHAR ODONGO.....1ST PLAINTIFF
GAMAN ALI ABDOW.....2ND PLAINTIFF
HALIMA HUBILE ABDUL.....3RD PLAINTIFF
BERNARD ONGESO & OTHERS.....4TH DEFENDANT

VERSUS

NORTH EASTERN IMPEXO AGENCIES LTD.....1ST DEFENDANT
NAIROBI CITY COUNTY.....2ND DEFENDANT
NAIROBI METROPOLITAN SERVICES.....3RD DEFENDANT

AND

LATEWA COMMUNITY BASED ORGANIZATION.....INTERESTED PARTY

STATEMENT BY WITNESS (MWANGI HASSAN KHADIJAH)

I, MWANGI HASSAN KHADIJAH (I.D NO. 29416661) and of P. O BOX 429129 – 00100 Nairobi within the Republic of Kenya do hereby state as follows:-

I am a male adult of sound mind and the Chairperson of the interested party herein.

We have occupied and operated Latewa Community Based Organization involved in several Youth Empowerment Programmes including; Drug and Substance Abuse Rehabilitation, Social Justice, Women Empowerment, Environmental Conservation Awareness, Arts, Music Production and Sustainable Urban Farming located along Shimo La Tewa Road which is the subject matter in dispute for about Three (3) years now.

Latewa Community Based Organization (C.B.O) was duly registered in 7th February 2020 in the Ministry of East Africa Community, Labour and Social Protection under the Department of Social Development Office. We have been filing our annual returns via the Kenya Revenue Authority E-portal every year as required by law.

We have for the entire time conducted our Youth Empowerment Programmes in the said location and we have never compromised the security of the area. As a matter of fact, most youths who were previously engaged in criminal activities have been reformed courtesy of our Youth Empowerment Programmes.

We have carried proper and extensive consultations with all the stakeholders including:

- i. Nairobi city County*
- ii. Area MCA*
- iii. Area MP*
- iv. Industrial Area Police Station.*

The Defendants/Applicants have approved this Youth Empowerment Project having satisfied all the imposed conditions:

- i. Obtained approved plan and sight layout*
- ii. We constructed Shimo La Tewa kiosks branded in our project colours as required by law for purposes of Youth Social and Economic Empowerment.*

Instead of acknowledging our massive contribution to the Shimo La Tewa community, the 1st Defendant has written to the 3rd Defendant through a letter dated 23rd July 2020 asking the 3rd Defendant to demolish the over 60 kiosks constructed along the road reserve of Shimo La Tewa Road situate in L.R. No. 37/714.

If the Defendants are allowed to proceed with the demolition, we will suffer loss and damage and our mission of Social and Economic empowerment of the youths and women of the Shimo La Tewa community will sink into oblivion.

I have no objection to the 1st Defendant developing and improving his parking yard in his own compound, as we have not occupied the 1st Defendant's premises but are along the Shimo La Tewa Road reserve.

I humbly beseech this Honourable Court to allow us to be enjoined as an interested party in this matter as it concerns the impact and longevity of our Community Based Organization until it is heard and determined.

That is all I wish to state.

DATED at **NAIROBI** this 15th day of October 2020.

SIGNED: 

MWANGI HASSAN KHADIJAH