



COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

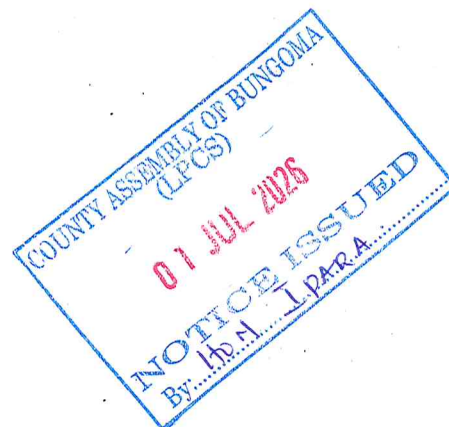
THIRD ASSEMBLY
FIFTH SESSION

COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING

REPORT ON THE INQUIRY INTO THE STATUS OF LAND PARCEL NO. N.
MALAKISI/E. SASURI/482 (ONE ACRE) PURCHASED FOR KAPCHEPKUI
ECDE CENTRE, IN CHESIKAKI WARD

Clerks Chambers
County Assembly Buildings,
P.O BOX 1886 - 50200
BUNGOMA, KENYA.

June, 2026



Handwritten notes:
DCL
24/6/26
HBC
To schedule
28/6/26

CONTENTS

CHAPTER ONE.....	3
1.0 EXECUTIVE SUMMARY.....	3
1.2 FISCAL AND LEGAL FRAMEWORK.....	4
1.3 MANDATE OF THE COMMITTEE.....	6
1.4 TERMS OF REFERENCE.....	7
1.5 MEMBERSHIP TO THE COMMITTEE.....	8
1.6 ACKNOWLEDGEMENT.....	9
CHAPTER TWO.....	10
2.1 BACKGROUND OF THE LAND IN DISPUTE.....	10
CHAPTER THREE.....	14
COMMITTEE OBSERVATIONS AND RECOMMENDATIONS.....	14
3.1 COMMITTEE OBSERVATIONS.....	14
3. 2 COMMITTEE RECOMMENDATIONS.....	16
Hon. Speaker.....	16
The committee therefore recommends as follows;.....	16
CONCLUSION.....	17
ADOPTION SCHEDULE.....	18
ANNEXTURES.....	19

CHAPTER ONE

1.0 EXECUTIVE SUMMARY

Hon. Speaker.

Land remains one of the most valuable public assets held by County Governments and forms an important component of public investment, service delivery, infrastructure development and long-term socio-economic planning. The acquisition, registration, transfer and management of land are governed by various laws and procedures intended to protect public resources, safeguard ownership rights and prevent disputes that may expose public institutions to financial loss.

The Committee notes that strict adherence to legal requirements during land acquisition processes, including verification of ownership, official land searches, consent from relevant authorities, proper documentation, transfer, registration and issuance of title documents is critical in protecting County assets and maintaining an accurate inventory of public land. Failure to comply with these procedures often results in ownership disputes, litigation, loss of public funds, and challenges in safeguarding public investments.

The inquiry into Land Parcel No. N. MALAKISI/E. SASURI/482 was necessitated by the need to establish clarity regarding ownership of the parcel occupied by Kapchekui ECDE Centre and to investigate disputes that have arisen concerning the land despite the County Government having purchased one acre for public use in 2015. The inquiry further sought to determine whether the County Government's interests were adequately protected during the acquisition process and to identify appropriate legal and administrative interventions necessary to safeguard public interests.

The Committee was out to establish the status of the one-acre parcel acquired by the County Government for Kapchekui ECDE Centre from the parent parcel known as N. MALAKISI/E. SASURI/482 as a result of a statement by Hon. Jacob Psero who sought a statement on Land designated for Kapchekui ECDE Centre in Chesikaki Ward. The honorable directed the committee to undertake a fact finding and report back to the house.

1.2 FISCAL AND LEGAL FRAMEWORK

Hon. Speaker.

Pursuant to the provisions of Article 185(3) of the Constitution of Kenya 2010, the committee is mandated to exercise oversight over the County Executive Committee and any other County Executive organs.

Guiding principles

According to the provisions of Article 227(1) of the constitution, when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

Further, to the above, Article 201(a) of the constitution provides that, there shall be openness and accountability, including public participation in financial matters.

Obligations of Accounting Officers

Hon. Speaker,

Section 149(1) of the Public Finance Management Act 2012, stipulates that, "An accounting officer is accountable to the County Assembly for ensuring that, the resources of the entity for which the officer is designated are used in a way that is lawful and authorised, effective, efficient, economical and transparent."

Direct Personal Liability

Article 226(5) of the Constitution provides that, "If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not".

Section 156 of the Public Finance Management Act, 2012 provides that;

- (1) if an accounting officer reasonably believes that a public officer employed by a county government entity has engaged in improper conduct in relation to the resources of the entity, the accounting officer shall-

- (a) take appropriate measures to discipline the public officer in accordance with regulations; and

- (b) refer the matter to be dealt with in terms of the statutory and other conditions of employment applicable to that public officer.
- (2) if the County Executive Committee Member for finance reasonably believes that an accounting officer has engaged in improper conduct within the meaning of sub- section (4), the County Executive Committee Member for finance shall _
 - (a) take appropriate measures to address the matter in accordance with laid down procedures ; or
 - (b) refer the matter to be dealt with in terms of the statutory and other conditions of employment applicable to that public officer.
- (3) the measures referred to in sub – section (2) (a) include the County Executive Committee Member for finance revoking the designation as accounting officer
- (4) For the purposes of this section, a public officer or accounting officer engages in improper conduct if the officer –
 - (a) contravenes or fails to comply with this act or any regulations in force;
 - (b) undermines any financial management procedures or controls;
 - (c) makes or permits an expenditure that is unlawful or has not been properly authorised by the entity concerned; or
 - (d) fails without reasonable cause to pay eligible and approved bills promptly in circumstances where funds are provided for
- (5) Disciplinary measures under this section may not be taken against a public officer or accounting officer under sub section (1)(a) or (2) (a) unless the officer has been given an opportunity to be heard in relation to the alleged improper conduct concerned.

1.3 MANDATE OF THE COMMITTEE

Hon. Speaker Sir,

The Sectoral Committee on Lands, Urban, Physical Planning and Housing is constituted pursuant to the provisions of Standing Order No. 217 of the Bungoma County Assembly Standing Orders and executes its mandate in accordance with Standing Order No.217(5) which provides that, the functions of a Sectoral committee shall be to:-

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b. Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c. Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d. Study and review all county legislation referred to it;
- e. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing order 208(Committee on Appointments); and
- h. Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

1.4 TERMS OF REFERENCE

Hon. Speaker.

The objectives of the inquiry were:

1. To establish the circumstances under which the County Government acquired the one-acre parcel for Kapchekui ECDE Centre.
2. To determine the current ownership status of the land occupied by the ECDE Centre.
3. To establish whether legal and administrative procedures governing acquisition of public land were followed.
4. To assess the impact of Environment and Land Court Case No. 89 of 2015 on the County Government's interest.
5. To identify risks facing the County Government regarding the land and public funds invested therein.
6. To establish progressive, lawful and sustainable options for protecting the County Government's interest.
7. To recommend legal, administrative and policy interventions necessary to safeguard County assets and public investments.
8. To propose measures for strengthening future County land acquisition processes and protecting the County land inventory.

1.5 MEMBERSHIP TO THE COMMITTEE

Hon. Speaker.

The current composition of the Committee on Lands, Urban, physical Planning and Housing is as follows:

- | | | |
|-----|---------------------------|------------------|
| 1. | Hon. Johnston Ipara | Chairperson |
| 2. | Hon. Orize Kundu | Vice/Chairperson |
| 3. | Hon. Joan Kirong' | Member |
| 4. | Hon. Aggrey Mulongo | Member |
| 5. | Hon. Wafula Waiti | Member |
| 6. | Hon. George Makari | Member |
| 7. | Hon. Eunice Kirui | Member |
| 8. | Hon. Mildred Barasa | Member |
| 9. | Hon. Edwin Opwora | Member |
| 10. | Hon. Hon. Jeremiah Kuloba | Member |
| 11. | Hon. Linda Kharakha | Member |
| 12. | Hon. Plycarp Kimeta | Member |
| 13. | Hon. Cornelius Makhanu | Member |
| 14. | Hon. Mourine Katila | Member |

1.6 ACKNOWLEDGEMENT**Hon. Speaker.**

I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to inquire into the status of land parcel NO. N. MALAKISI/E. SASURI/482 (one acre) purchased for kapchepkui ECDE Centre.

Hon. Speaker. It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Lands, Urban, physical Planning and Housing, to table this report to the Assembly for consideration and adoption.

Thank you.

Sign.....Date.....24/06/2026.....

HON. JOHNSTON IPARA, MCA, TONGAREN WARD
CHAIRPERSON, COMMITTEE ON LANDS, URBAN, PHYSICAL
PLANNING AND HOUSING

CHAPTER TWO

2.1 BACKGROUND OF THE LAND IN DISPUTE

Hon. Speaker.

In the process of inquiry, the committee engaged the executive, the registrar of lands and equally conducted a physical site visit to the land in dispute and collaborated the following facts:

The establishment of Kapchepkui Early Childhood Development and Education (ECDE) Centre was initiated by the County Government of Bungoma in response to the educational needs of residents within Kapchepkui area. The project was conceived following concerns raised by members of the local community regarding the lack of a nearby early childhood learning institution. Children of school-going age were reportedly required to travel considerable distances through steep and difficult terrain to access existing educational facilities, including Chemondi Primary, thereby exposing them to safety risks and limiting access to early childhood education.

In response to these concerns, the then Member of County Assembly (MCA) for the area, Hon. Ben Kipkut, formally wrote to the Ward Development Committee requesting consideration and prioritization of the establishment of an ECDE Centre within the locality. Following consultations and approval through the relevant County Government structures, the acquisition of land for the project was initiated through the County Empowerment Fund(CEF).

The County Government of Bungoma identified a one-acre parcel of land suitable for the establishment of the ECDE Centre. During the acquisition process, Mr. Benjamin Ngeywo Chepkoy presented himself as the owner and occupier of the land and participated in negotiations relating to the proposed purchase. The inquiry subsequently established that Mr. Benjamin Ngeywo Chepkoy had allegedly acquired the said portion of land between 1995 and 1996 from the widow of the late Cheworei Sichei(mama Fatuma) and the agreement was facilitated by Mr. Wandiemu Sichei Kiptang'uny as the eldest son.

The widow(mama Fatuma), reportedly sought to dispose of the portion on behalf of her household. Notwithstanding the circumstances surrounding the transaction, Benjamin Ngeywo Chepkoy did not complete the legal conveyancing process required to transfer and register the purchased portion in his own name. Consequently, the one-acre portion remained part of the larger Parcel No. N. MALAKISI/E. SASURI/482.

However, available land records indicate that at the time of the alleged sale to Benjamin Ngeywo Chepkoy, ownership of the larger parcel had not yet been formally registered in the name of Wandiemma Sichei Kiptang'uny. Records show that Title No. N. MALAKISI/E. SASURI/482 measuring approximately ninety-six (96) acres was registered in the name of Wandiemma Sichei Kiptang'uny on 12th July 1999. This chronology raises questions regarding the legal capacity under which the alleged sale to Benjamin Ngeywo Chepkoy was conducted and whether the transaction conferred any legally recognizable proprietary interest upon him.

When the County Government initiated the purchase process in 2015, the entire parcel measuring approximately ninety-six (96) acres remained registered in the name of Wandiemma Sichei Kiptang'uny. As a result, the sale agreement dated 18th December 2015 was executed by Wandiemma Sichei Kiptang'uny in his capacity as the registered proprietor of the land, while Benjamin Ngeywo Chepkoy signed as a witness to the transaction. The County Government of Bungoma thereafter proceeded with the acquisition and subsequently established Kapchepkui ECDE Centre on the land for the benefit of the local community.

Further scrutiny of the matter revealed that at the time of the County Government's acquisition, there was an ongoing dispute concerning ownership and distribution of the larger Sichei family land. Specifically, Environment and Land Court Case No. 89 of 2015 had been instituted to determine the subdivision and allocation of Parcel No. N. MALAKISI/E. SASURI/482 among members of the Sichei family. The existence of the suit demonstrates that ownership interests affecting the larger parcel were under

active judicial consideration when the County Government entered into the purchase transaction.

On 28th November 2016, the court delivered its judgment and ordered subdivision of the land among beneficiaries of the Sichei family. The court allocated the land as follows:

No.	Beneficiary	Acreage
1	Wandiema Sichei	28.28
2	Meshack Sichei	19.75
3	Zephania Sichei	19.75
4	Cheworei Sichei	21
5	Francis Sichei	19.75
6	Stephen Sichei	19.75

Notably, the judgment only addressed distribution among members of the Sichei family and neither recognized, preserved, nor made provision for the one-acre portion that had previously been acquired by the County Government for public use and other beneficiaries. There is no evidence that the County Government was joined as a party to the proceedings or that its interest in the land was brought to the attention of the court during the hearing and determination of the matter.

Following implementation of the court judgment, the portion occupied by Kapchepkui ECDE Centre fell within the twenty-one (21) acres allocated to the household of the late Cheworei Sichei. Subsequently, Mr. Peter Cheworei, a son of the late Cheworei Sichei, processed ownership documents and was issued with Title No. N. MALAKISI/E. SASURI/2041 on 1st November 2017 (recent search 28th May, 2026). By virtue of registration, he became the recognized legal proprietor of the parcel under dispute according to Kenyan land law.

The issuance of a separate title to Peter Cheworei created a conflict between the County Government's occupation and development of the land for public

educational purposes and the proprietary rights arising from registration of the title in favour of Peter Cheworei. The dispute has since escalated following demands by Peter Cheworei that the County Government vacates the land currently occupied by Kapchepkui ECDE Centre.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

Hon. Speaker.

The committee observed the following:

1. The County Government acquired the land for a legitimate public purpose, namely the establishment of Kapchepkui ECDE Centre.
2. Benjamin Ngeywo Chepkoy allegedly purchased the land from Cheworei's family facilitated by Mr. Wandima Sichei Kiptang'uny in his capacity as the eldest son in 1995–1996 who became the registered proprietor of Parcel, raising questions regarding the validity of the initial transaction.
3. Benjamin Ngeywo Chepkoy did not complete the transfer and registration process for the portion he allegedly purchased.
4. The County Government purchased the land from Benjamin Ngeywo Chepkoy facilitated by Wandima Sichei Kiptang'uny, who was the registered proprietor at the time of the transaction in 2015.
5. The county Government did not carry out due diligence before purchase of the said land.
6. There exist two sets of commitment for land sale agreement; one belonging to Mr. Benjamin Chepkoy Ngeywo and the other by Mr. Wandima Sichei Kiptang'uny both expressing willingness to sale one acre of land (located at Chesikaki Ward, land number 482) to Kachepkui ECDE Centre.
7. At the time of acquisition, Environment and Land Court Case No. 89 of 2015 concerning subdivision of the parent parcel was pending.
8. The County Government did not secure registration of its interest nor lodge any caution or restriction against the parent title after the purchase which exposed a public investment to ownership disputes and possible loss.
9. The court-ordered subdivision did not recognize the County Government's nor other buyer's interest in the land.

10. Consequently, on the 18th October, 2017, the register for land comprised in title No.N.MALAKISI/E.SASURI/482 was closed and new entries were made paving way for the following new numbers;
- (a) Land parcel No.N.MALAKISI/E.SASURI/2041(4.48 ha, title deed issued in the name of Francis Sichei)
 - (b) Land parcel No.N.MALAKISI/E.SASURI/2041(8.33 ha, title issued in the name of Peter Cheworei)
 - (c) Land parcel No.N.MALAKISI/E.SASURI/2042(9 acres, title issued in the in the name of Francis Sichei)
 - (d) Land parcel No.N.MALAKISI/E.SASURI/2043(10.26 ha, in the name of Wandima Sichei-restricted)
 - (f) Land parcel No.N.MALAKISI/E.SASURI/2044(7.93 ha in the name of Wandima Sichei-title yet to be issued)
 - (g) Land parcel No.N.MALAKISI/E.SASURI/2045(7.84 ha in the name of Wandima Sichei-title yet to be issued)
 - (h) Land parcel No.N.MALAKISI/E.SASURI/2046(7.96 ha in the name of Wandima Sichei-title yet to be issued).
11. It was also observed that at the time of the closure of the old register for land parcel No.N.MALAKISI/E.SASURI/482 and the creation of the new numbers, the said original title deed had not been and was never surrendered for cancellation.
12. The land occupied by Kapchepkui ECDE Centre was subsequently registered as Title No. N. MALAKISI/E. SASURI/2041 in the name of Peter Cheworei, who is now asserting ownership rights over the property.

3. 2 COMMITTEE RECOMMENDATIONS

Hon. Speaker.

The committee therefore recommends as follows;

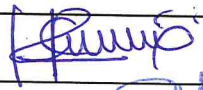
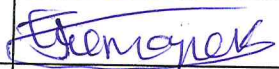
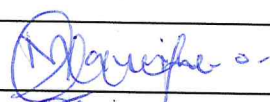
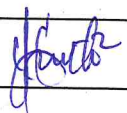
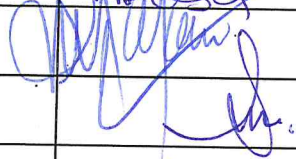
1. **THAT** the County Attorney should urgently review the acquisition documents and advise on the County Government's legal position regarding the land with a view of exploring alternative dispute resolution mechanism and where that fails, the county Government should move to the appropriate forum and seek to be enjoined in the proceedings relating to Kakamega High Court Land and Environment Case No. 89 of 2015, or in the alternative, it should seek to have the orders issued by the Court on 28th November, 2016. Quashed or set aside as the land disputes tribunal that allegedly presided over the matter had no powers in law to deliberate on issues concerning occupation of land or title to land.
2. **THAT** the Department responsible for lands should conduct an audit of all County Government facilities occupying land without registered ownership documents and prioritize regularization.
3. **THAT** all future land acquisitions should be preceded by comprehensive legal due diligence, including confirmation of ownership, pending court cases, and immediate registration of the County Government's interest after purchase.
4. **THAT** the County Government should establish a mandatory land acquisition framework requiring:
 - Official searches before purchase;
 - Verification of ownership documents;
 - Legal clearance by the County Attorney;
 - Land Control Board approvals;
 - Immediate transfer and registration upon payment;
 - Survey and demarcation before acquisition; and
 - Maintenance of a central digital register of all County land assets.

CONCLUSION

The Committee concludes that the County Government acquired the one-acre parcel of land for Kapchepkui ECDE Centre for a legitimate public purpose. However, failure to undertake adequate due diligence and complete the legal transfer process resulted in the County Government's interest remaining imperfected for a period of over ten years from the date of execution of the sale agreement.

ADOPTION SCHEDULE

We, the members of Lands, Urban, Physical Planning and Housing committee hereby append our signatures adopting this report with its recommendations.

No	Name	Designation	Signature
1.	Hon. Johnston Ipara	Chairperson	
2.	Hon. Orize Kundu	Vice/Chairperson	
3.	Hon. Aggrey Mulongo	Member	
4.	Hon. Joan Kirong'	Member	
5.	Hon. Jeremiah Kuloba	Member	
6.	Hon. Hon. Polycap Kimeta	Member	
7.	Hon. Mourine Katila	Member	
8.	Hon. Edwin Opwora	Member	
9.	Hon. Wafula Waiti	Member	
10.	Hon. Mildred Barasa	Member	
11.	Hon. George Makari	Member	
12.	Hon. Cornelius Makhanu	Member	
13.	Hon. Eunice Kurui	Member	
14.	Hon. Linda Kharakha	Member	

COUNTY GOVERNMENT OF BUNGOMA



MINISTRY OF FINANCE AND ECONOMIC PLANNING
SPCU COORDINATING UNIT

Telephone: 0727500745

Countytreasury@bungoma.go.ke

Revenue Offices

Next to County Assembly

P.O.BOX 437 – 50200

BUNGOMA

Date: 10/06/2026

CG/BGM/FIN/CO/GEN/COR/VOL.2/06

TO

Clerk

County Assembly

P. O. BOX 1886 – 50200

BUNGOMA

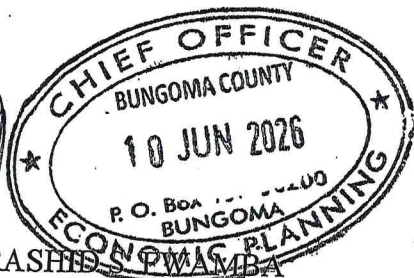
② PCA - C -
Forward to CC - Lands
16/6/26
Noted
Met
16/6/26

Dear sir,

RE: SUBMISSION OF KAPCHEPKUI ECDE DOCUMENTS IN CHESIKAKI WARD.

Reference is made to your letter dated 22nd May 2026 from the Clerk of the County Assembly, attached please find the documents; Sale agreement, fee note, Land Consent Form dully signed and Minutes relating to the purchase and acquisition of land for Kapchepkui ECDE in Chesikaki ward.

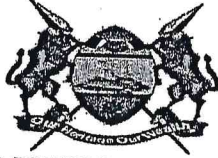
Thank you.



CPA, DR. RASHID S. P. WAMBA

Ag. CHIEF OFFICER - ECONOMIC PLANNING

COUNTY GOVERNMENT OF BUNGOMA



**MINISTRY OF LANDS, URBAN AND PHYSICAL PLANNING, HOUSING AND MUNICIPALITIES
OFFICE OF THE CHIEF OFFICER, LANDS, URBAN AND PHYSICAL PLANNING**

Telephone: 055-2030144
E-mail: land@bungoma.go.ke

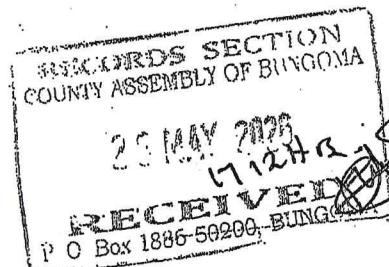
Executive Building Fourth Flr
Kanduyi Stadium Office
P.O Box 437- 50200
BUNGOMA.

OUR REF: CG/LUPP/CA/VOL.10/9

DATE: 28th May, 2026

The clerk,
County Assembly of Bungoma,
P.o Box 1886
Bungoma.

Dear Sir,



**RE: FORWARDING OF DUE DILIGENCE REPORT ON LAND PARCEL NO. N.
MALAKISI / E. SASURI / 482**

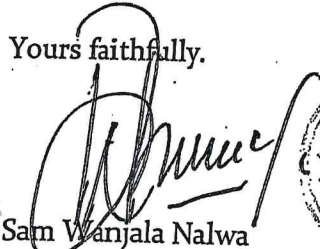
Reference to CAB/CC/SECT/8 VOL.IV (72) dated 22nd May 2026 is made to the above-captioned subject and correspondence.

The above-mentioned Report is hereby forwarded for your information, consideration, and necessary action.

Kindly receive and note the contents of the report for purposes of guidance, oversight, and any further direction the County Assembly may deem appropriate.

Please accept the assurances of our highest consideration.

Yours faithfully,


Sam Wanjala Nalwa



Chief Officer, Lands, Urban and Physical Planning.

CC: The CECM lands, urban, physical planning, Housing, and Municipalities

REPORT ON LAND PARCEL NO. N. MALAKISI / E. SASURI / 482 – KAPCHEPKUI ECDE CENTRE

1. Introduction

This Due Diligence Report has been prepared to establish the factual, legal, and procedural history surrounding land parcel N. Malakisi / E. Sasuri / 482, which the Bungoma County Government acquired for the construction of Kapchepkui ECDE Centre in 18th Dec, 2015

The report addresses feasibility considerations, procurement procedures, compliance with court orders, ownership history, communication from affected parties, village administration reports and the current status of the parcel of land in question.

2. Purpose of the Due Diligence

The purpose of this report is to:

- Verify the legality of the land acquisition process
 - Confirm compliance with procurement and land transfer procedures
 - Review court-ordered subdivision outcomes
 - Assess claims raised by private individuals
 - Establish the County Government's position regarding Kapchepkui ECDE Centre
- Appendix: 001- status report of Kapchepkui ECDE centre.

3. Procurement and Acquisition Process

The County Government initiated the acquisition of land for the ECDE centre through lawful procurement and administrative processes.

- The parcel N. Malakisi / E. Sasuri / 482 was purchased for public use.
- The individual who presented himself as the owner during negotiations was Mr. Benjamin Chepkoy Ngeywo, who had acquired the land from Mr. Wandiemā Sichei Kiptang'uny.
- However, although Benjamin Chepkoy Ngeywo had purchased the land, the title had not been transferred to him, and the registered owner remained Mr. Wandiemā Sichei Kiptang'uny.
- The understanding at the time of purchase was that Mr. Wandiemā Sichei, as the registered proprietor, would effect the transfer directly to the County Government upon completion of the transaction.

The County therefore acted in good faith, relying on representations made by both parties.

Appendix: 002- Sale of Land Agreement.

4. Court Orders on Sub-Division

Subsequent to the County's acquisition and development of the land, court orders were issued 6th of December 2016 directing subdivision of parcel N. Malakisi / E. Sasuri / 482.

The subdivision resulted in allocation of the original parcel among the following beneficiaries:

- Wandiemba Sichei ✓
- Meshack Sichei ✓
- Zephania Sichei ✓
- Cheworei Sichei ✓
- Francis Sichei ✓
- Stephen Sichei ✓

Fahung - Benjamin Ngigwa

Notably, Bungoma County Government was not listed as a beneficiary in the subdivision process, despite the prior acquisition and public development already undertaken on the land.

Appendix: 003- Court orders.

5. Outcome of the Sub-Division

Following implementation of the court orders:

- The portion of land on which Kapchepkui ECDE Centre is physically located was allocated to Mr. Cheworei Sichei.
- Mr. Cheworei Sichei subsequently processed and acquired a new title deed: Title No. N. Malakisi / E. Sasuri / 2041 on 1st November 2017.

Appendix: 003- Court orders.

6. Communication from Interested Parties

6.1 Communication from Mr. Peter Cheworei

Written and verbal communication has been received from Mr. Peter Cheworei, asserting private ownership rights and demanding:

- Removal of the ECDE centre from the attached appendix:
- Immediate cessation of any further development on the site

Appendix: 004- Peter's text messages.

6.2 Report from the Village Elder - Kapchepkui Village *

A formal report from the Village Elder, Kapchepkui Village, confirms that:

- The land in question was historically known and accepted within the community as public land designated for the ECDE centre
- The construction of the ECDE centre was done openly, with community awareness and support
- No objections were raised by any of the beneficiaries at the time of construction.
- The community formed a committee to oversee the development of the ECDE chairman being chemonges kimatwai.✕
- After sometime, they received a message from Peter Cheworei, the son of the late cheworei, to stop any further development and remove any existing structures on the parcel of land.
- The son claims to own the parcel of land in his name with the title number 2041 different from the previous 482.

Appendix: 005- Kapchepkui Village elders' letter

7. Latest status of the parcel of land for kapchepkui ECDE centre.

The latest official land search confirms that:

- Parcel N. Malakisi / E. Sasuri / 482 no longer exists as a single parcel
- Title N. Malakisi / E. Sasuri / 2041 is registered in the name of Peter Pteng'wer Cheworei Sichei, issued on 1st Nov 2017.
- The County Government is not reflected in the register as a proprietor or beneficiary.

Appendix: 006- Official land search.

8. Conclusion.

Based on the due diligence undertaken, it is evident that the dispute results from **procedural and ownership inconsistencies during land transfer and subdivision**, rather than unlawful action by the County Government. The County has a **strong equitable and public-interest claim** over the land on which Kapchepkui ECDE Centre stands.

Appendix - 1

COUNTY GOVERNMENT OF BUNGOMA



STATUS REPORT OF KAPCHEKUI ECDE CENTRE IN CHESI KAKI WARD

MALAKISI /E.SASURI/482

FOR

BUNGOMA COUNTY

22ND APRIL, 2026

[Signature] 22/04/26
[Signature] 22/04/2026
[Signature] 22/04/2026
[Signature] 22/04/2026
[Signature] 22/04/26
AA

- (i) Other pertinent management details
- (j) Ensure that the contractor acts in accordance with the provisions of the contract;

VENDOR: Mr Wandiemma Sichei Kiptang'uny

The meeting was held on 22nd April, 2026 at **Kapchekui ECDE Centre in Chesikaki Ward**. The following are the members who were present:

1. Eunice Chebet Naibei- Village Admin
2. Patrick C Wangara -Village Elder
3. Timothy Simotwo-Village Elder
4. Andrew Kwemboi
5. Janepher C Benjamin
6. Alice C Ngeywo
7. Owen Kintai
8. Sammy Ngeywo
9. Selestine C Ngeywo
10. Esther Chebet
11. Wandiemma Sichei Ptanguny -Land vendor
12. Ngeywo Anne Temko-ECD teacher

The land vendor gave out the history of **Kapchekui ECDE Centre** as shown below:

1. The original title deed of the land was **MALAKISI/E.SASURI/482** registered in in the names of. **WANDIEMA SICHEI KIPTANG'UNY**.
2. The title has been sub-divided into different numbers.
3. The land was purchased by the county government of Bungoma in the financial year 2014/2015 and the contract was signed on 18th Dec, 2015 between the county Government of Bungoma and **WANDIEMA SICHEI KIPTAN'UNY**. The witnesses of the Vendor were: **ROBERT CHESITO KIPTANG'UNY** and **BENJAMIN NGEYWO CHEPKOY**.

GENERAL OBSERVATIONS AND FINDINGS

1. The land parcel for Chepchekui ECDE had been sold to Mr. **BENJAMIN NGEYWO CHEPKOY** who later sold it to the County government of Bungoma. Mr **WANDIEMA SICHEI KIPTANG'UNY** signed the contract because sub-division had not been done by that time.
2. The ECDE Structure on the land is semi-permanent and not complete. It was just constructed by the community. Photo of the building attached.
3. The land has enough space for children to learn and also play.

[Handwritten signatures and dates]
 22/04/2026
 22/04/2025
 22/04/2026
 22/04/2026

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE CHIEF OFFICER
DEPARTMENT OF LANDS, URBAN AND PHYSICAL PLANNING

Telephone: 0728039039

E-mail: treasury@bungoma.go.ke

Municipal Building
P.O Box 437-50200
BUNGOMA

OUR REF: CG/BGM/CO/FINCOR/LANDS/VOL.II(023)

DATE: 20TH APRIL, 2026

TO:

S/NO	NAME	P/F NO	CELL PHONE NO	EMAIL ADDRESS	DESIGNATION	APPONTMENT DESIGNATION
1	BONIFACE WABUYELE	20150016 863	0704274234	wabuyelb@g mail.com	Ward Based	Chair person
2	MERCY NAFULA WANJALA	20220004 246	0715446070	nafulamercy7 1@gmail.com	Ass ward admin	MEMBER
3	ALLAN MOSOM KIMTAI	20240168 963	0706127836	Mosomallan @gmail.com	Admimistration officer	MEMBER
4	MARYLINE WANYONYI	20112147 12	0720283670	line.naliaka @gmail.com	SURVEYOR	MEMBER
5	MARGARET KUKALI	20060001 514	0705093200	margaretkuka li@gmail.com	SCMO	SECRETARY

**APPOINTMENT TO FIND OUT THE STATUS OF KAPCHEPKUI ECDE CENTRE IN
CHESIKAKI WARD**

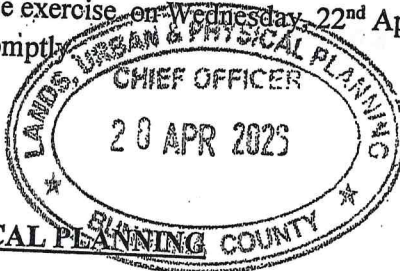
You are hereby appointed as a member of the above named ,The committee shall undertake the exercise as per (section 170(2) of the public procurement and asset disposal Act 2015)

The committee shall prepare a report of the following:

A register of land and buildings shall record each parcel of land and each building and— (a) the terms on which it is held; (b) reference to the conveyance; (c) address; (d) area; (e) dates of acquisition; (f) disposal or major change in use; (g) any capital expenditure; (h) freehold or lease hold terms; (i) maintenance contracts; and (j) other pertinent management details..

The committee is expected to undertake the exercise on Wednesday, 22nd April, 2026 at 10 am and file in its report to the undersigned promptly.

SAM W NALWA



CHIEF OFFICER- LANDS, URBAN & PHYSICAL PLANNING COUNTY



KAPCHEKUI
EC.D.E

REPUBLIC OF KEN
SALE AGREEMENT

Appendix-2

THIS AGREEMENT is made this 18TH DEC 2016 between KANDIENA SICHEI
KIPTANGLONY of ID NO 6032098 of BOX 80 CHEPTAI in
the Republic of Kenya (herein called the 'VENDOR' which expression shall where the context
so admits include all their personal representatives, heirs and assigns: of the one part and
COUNTY GOVERNMENT OF BUNDA of ID NO of
..... (herein referred to as the 'PURCHASER' which
expression shall where the context so admits include their personal representatives, heirs and
assigns) on the other hand.

WHEREAS:

- a. The Vendor is the registered proprietor of ALL THAT piece of land more particularly
described as NO. 111/15 SAUR/1/482 (hereinafter called "The Land")
- b. The Vendor has agreed to sell the Land to the Purchaser and the Purchaser has agreed to
purchase the Land as more specifically provided herein below.

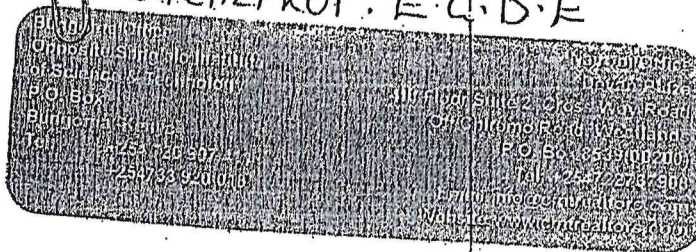
NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:-

1. The subject matter of this agreement is a portion of land ONE ACRE
measuring Approximately.
2. The purchaser is willing to buy the aforesaid portion of land at agreed consideration of
Kenya Shillings four hundred twenty five thousand only.
3. That at the signing of this agreement, the vendors have received the sum of Kenya
Shillings only, which
is part payment of the purchase price.
4. That the balanced will be paid in period of which the
vendors will undertake to surrender the vacant possession of the said portion of land to
the purchaser.

Land Transfer Arrangements

Upon completion of payment, the Vendor shall have delivered to the purchaser the following
documents: -

1. A transfer duly executed by the Vendor in favour of the Purchaser or its nominee(s) or as
directed by the purchaser.
2. All original documents of title which are in the Vendors possession.



Ref: VAL/GMT/BGM/2013

Date: 26/ 01/ 2016

FEE NOTE

The Fund Manager
County Government of Bungoma
Ward Empowerment Fund

Chesikaki Ward

P.O Box 47

Cheptais

Dear Sir,

RE: VALUATION OF TITLE NO: N.MALAKISI/E.SASURI/482

TO: Inspection and valuing the above property

Fees to scale

Costs

Kshs. 15,000/=

TOTAL

Kshs. 6,500/=

VAT 16%

Kshs. 21,500/=

Total

Kshs. 3,440/=

Kshs 25,000/=

For: CMT, REALTORS

A.W. SIRANJOFO

BUNGOMA

C.O

Chesikaki Ward.

REPUBLIC OF KENYA

THE LAND CONTROL ACT
(Cap. 302)

APPROVED 14/02/2016

DISTRICT OFFICER APPLICATION FOR CONSENT OF LAND CONTROL BOARD
HEPTAIS DIVISION: To be submitted in TRIPLICATE in respect of each transaction and sent to or left at the appropriate office of the Commissioner of Lands

To: THE CHAIRMAN
LAND CONTROL BOARD.

L.C.R. No. 04/2016

I HEREBY apply to the CHAIRMAN
Land Control Board for its consent to the transaction described below, and give the following information:

1. (a) Present registered holder of interest (full name in BLOCK LETTERS):

WANDIANT SICHU KIPATANGUNY
ID NO 6022098

(b) Nationality KENYAN

(c) Address BOX 80

2. (a) Proposed purchaser, transferee, mortgagee, chargee, allottee, etc. (full name in BLOCK LETTERS)

(b) If a limited liability company, names of directors, authorized and issued share capital and principal shareholders; if a co-operative society, names of chairman, secretary and treasurer and total number of members—

(c) Nationality

(d) Address

Certificate No.

3. Nature of transaction (e.g. sale, gift, lease, mortgage, charge, etc.; if sale or allotment of shares name of company, number and particulars of shares to be transferred)

SB ANLEEN

4. Term (i.e. the length of time for which the land affected is to be transferred or leased if sale or allotment of shares, authorized share capital of the company and numbers of shares issued at date of application) ABSOLUTE

5. Description of Land—

L.R. or Parcel No. N. MALAKI 76 SATUR 1/482

Area 900 ACRES

Locality KAPCHAPKUI

County Council MT. ELGEN

ORIGINAL (Registrar's Copy)

(FORM 2A)

REPUBLIC OF KENYA

Nº 0800653

DISTRICT OFFICER
CHEPTAIS DIVISION

THE LAND CONTROL REGULATIONS, 1968

The CHEPTAIS Land Control Board

To: WANDIEMA SICHEI
KIPTANG'UNY
Box 80 CHEPTAIS

Date 16/2/20
Reg. No.
L.O.R. No. 04/2016

SIR/MADAM,

LETTER OF CONSENT

1. With reference to your application dated the 16/2/2016, 20... the Board gave its consent to the following controlled transaction at its SCHEDULED meeting held on the 16/2/2016, 20....
2. Nature of Transaction:
 - (a) L.R. or Parcel No. N-MALAKIG/K-SADRI/482
 - (b) Locality KIMANA
 - (c) Sale, lease, subdivision, mortgage, charge, etc. SUBDIVISION
 - (d) Names of Parties:
 - (i) from WANDIEMA SICHEI KIPTANG'UNY
 - (ii) to ABSOLUTE
 - (e) Length of term ABSOLUTE
 - (f) Consideration.....
3. Special conditions of approval of subdivision:
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

I am, Sir/Madam,
Your obedient servant,

DISTRICT OFFICER
CHEPTAIS DIVISION

Chairman

Land Control Board

Copy to:

The Commissioner of Lands, Nairobi.
The Central Agricultural Board.

GPB (L)

certificate (copy)

4. Two No. passport sizes photographs.
5. Copy of Identity Card and
6. Any other documents necessary to execute the transaction.

IN WITNESS WHEREOF; the parties have set down their respective hands and signatures the year and date first herein above stated.

SIGNED BY THE SAID VENDOR

Sign NARDIEMA SICHEL KIPTANG'UNI

ID NO. 12/6082098

IN THE PRESENCE OF

ROBERT CHEPKO KIPTANG'UNI ID NO 20671470
BENJAMIN NYEYUO CHEPKOY ID NO 5124867

SIGNED BY THE SAID PURCHASER

Name Mr. L. W. M. SINDU

ID NO. 8482734

Sign [Signature]

IN THE PRESENCE OF

WITNESS

Name.....

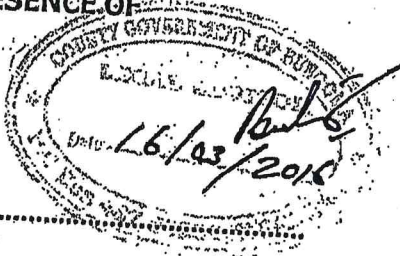
ID. No.....

sign

Name.....

ID NO.....

sign



CHESIKAKI WARD FUND COMMITTEE METING ON 3RD NOV. 2015.

Members present

1. Benard Kimachas - Chair
2. Stephen Chongin
3. Hudson Kiprotich
4. Priscilla chematui
5. Namunane David
6. Beatrice Wasike
7. Caren Cherop - Fund Officer- Secretary
8. Benard Ambuchi

Agenda

1. Prayer
2. Chair's opening remarks.
3. Reading of previous minutes/Reactions.
4. Committee reports on pieces of land proposed.
5. Committee recommendations

MIN1/NOV./2015: PRAYER

Prayer was said by Mr. Benard Ambuchi at 11.30 a.m.

MIN2/NOV./2015: OPENING REMARKS

The chairman thanked members for accepting to go round to different places to ascertain the availability of land identified and for negotiation with the owner. He urged them to maintain the same spirit.

MIN3/NOV./2015: READING OF PREVIOUS MINUTES AND REACTIONS

The secretary to the committee read the previous minutes which mainly identified property projects as follows:

(F) CHEMWAA ECD

Chemwaa village is far from Kaptoboi Primary which is the nearest Primary school. The community needed the above facility. The committee negotiated with Mr. Masai Pkaram who accepted to sell at Ksh. 430,000/= per acre.

(G) KAPCHEPKUI ECD

This centre was demanded by the community Mr. Benjamin Cherubeet accepted to sell at Ksh. 425,000/ per acre

MIN5/NOV./2015: COMMITTEE'S RECOMMENDATION.

After a lengthy discussion the committee recommended that land should be bought as follows:-

1. Toroso Polytechnic	-	Ksh. 450,000/=
2. Kwongshobeet Dispensary	-	Ksh. 425,000/=
3. Kimama Dispensary	-	Ksh. 425,000/=
4. Kapkurong Dispensary	-	Ksh. 425,000/=
5. Malakisi ECD	-	Ksh. 425,000/=
6. Chemwaa ECD	-	Ksh. 425,000/=
7. Kapchepkui ECD	-	Ksh. 425,000/=
TOTAL	-	<u>3,000,000/=</u>

The committee ordered the chair to inform the land owners immediately.
The meeting was adjourned at 2.15p.m

SIGN: chairman.



SIGN: Secretary.....



BENJEMIN CHEPKOY NGEYWO

P.O BOX 80,

CHEPTAIS,

20/09/2015.

TO THE OFFICER IN CHARGE,

WARD DEVELOPMENT FUND COMMITTEE

P.O BOX 47,

CHEPTAIS

DEAR SIR/MADAM,

REF: COMMITMENT FOR LAND SALE AGREEMENT

I Benjamin Chepkoy Ngeywo of ID No 5124867 with my members, hereby willing to sale one acre of land to Kapchepkui E.C.D. The land is located at Chesikaki ward, Chesikaki Location, Chemondj Sub-location, The land Number is 482.

<u>Family Members</u>	<u>ID NO</u>
1. Benjamin Chepkoy	5124867
2. Patrick Chepkoy	12582320
3. Janefer Chesang Benjamin	7909116
4. Humprey Wendon	7343129

Benjamin

20/09/2015
20/09/2015

Yours Faithfully

Benjamin Chepkoy Ngeywo

1. Toroso polytechnic land
2. Land for kwongshobeet dispensary
3. Land for Kimama dispensary
4. Land for Kapkirongo dispensary
5. Land for Malakisi ECD
6. Land for Chemwaa ECD
7. Land for Kapchepkui ECD

There were no reactions from members.

MIN4/NOV./2015: COMMITTEE REPORTS ON LAND NEGOTIATION

(A) TOROSO POLYTECHNIC:

The community's public demand for a polytechnic land forced the committee approach Olekete Ajuk s who accepted to sell land to us at Ksh. 460,000/= per acre.

(B) KIMAMA DISPENSARY

Identified because it is very far from the other dispensaries. The owner Mr. Kirui accepted to sell at Ksh. 430,000/= per acre.

(C) KAPKURONGO DISPENSARY

Also too far from the existing health centres. The owner Mr. Makenje accepted to sell us at Ksh. 420,000/= per acre

(D) KORONGSHOBEET DISPENSARY

This is at the top of the ridge and people find it hard reaching hospital. The owner accepted a price of Ksh. 425,000/= per acre.

(E) MALAKISI ECD CENTRE

The community demanded on ECD Centre because of distance to other schools. Patrick Wangwe accepted to sell land at 430,000/= per acre.

WANDIEMA SICHEI KIPTANG'UNY

P.O BOX 80,

CHEPTAIS,

2/7/2015.

TO THE OFFICER IN CHARGE,

WARD DEVELOPMENT FUND COMMITTEE

P.O. BOX 47,

CHEPTAIS.

DEAR SIR /MADAM,

REF: COMMITMENT FOR LAND SALE AGREEMENT

I Wandiemā Sichei Kiptang'uny of ID No 6082098 with my members, hereby willing to sale one acre of land to Kapchepkui E.C.D. The land is located at Chesikaki ward, Chesikaki location, Chemondi Sub-location. The land Number is 482.

Family Members

ID NO

SIGNATURE

1. Sporah Sikuku wandiemā

6082072



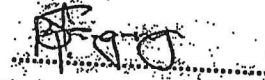
2. Ptang'uny Denis Sichei

31618130



3. Peter Ptang'uny sichei

28828022



Yours faithfully

Wandiemā sichei Kiptang'uny

Appendix-3

REPUBLIC OF KENYA
IN THE COURT OF KENYA AT KAKAMEGA
ENVIRONMENT AND LAND CASE CASE NO. 89/2015

PTENGW CHEWOREI..... PLAINTIFF

VERSUS

NDIEMA..... DEFENDANT

ORDER

HONOURABLE S. MUKUNYA... JUDGE

This matter coming on for mention on 28th NOVEMBER 2016 in open court in the presence of both As for the plaintiff and the defendant and parties present.

HEREBY ORDERED AS FOLLOWS:

1) That the county co-ops report is adopted as the order of the court i.e. the land be equitably split fresh with each son allocated as below:

Wandima sichel	He gets a bigger chunk by virtue of being the first born)
Meshaack sichel	res
Zephania sichel	res
Cheworei sichel	(He gets slightly more as compensation for sponsoring
Irving)	
Francis sichel	res
Stephen sichel	res
175 acres	

Witnessed and signed by

ROBERT KIRCHLAMB ID 14
ETER WANJAL A KIBENI 098162
DEOMON KIRU ID NO 2
CHRISTOPHER NG'WENO ID N
GOURICE W WETALA (AS CHIEF)

RICK O'ROSONG OYWO (C)
NETHI M KIRATI (C) DEPUTY COMMISSIONER

Done under my hand and this Honorable court at Bungoma this 28th
NOVEMBER 2016

S. MUKUNYA JUDGE
BUNGOMA

Done at Bungoma this 28th day of November 2016

DEPUTY REGISTRAR
BUNGOMA

NOTICE
Any person who fails to appear in court and who is liable to be guilty of contempt of court shall be liable to imprisonment for 6 months or fine or both.

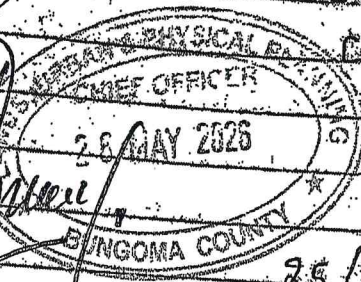
DEPUTY REGISTRAR
BUNGOMA HIGH COURT

Appendix-5

RECEIVED

28 MAY 2026

CHIEF OFFICER
COUNTY GOVERNMENT OF BUNGOMA
LANDS, URBAN & PHYSICAL PLANNING



BUNGOMA
CAPITALS SUB/COUNTY
CHESIKAKI LOCATION
CHEMORDI SUB/LOCATION
KAPCHEPKU VILLAGE
28/05/2026

REF: HISTORIA FUPI KUNGU SHULE YA
KAPCHEPKU. Bwana BENJAMIN CHEPKOY NGEYWO
ALINUNUA SHAMBA KUTOKA KWA FAMILIA YA
CHEWOREI AKIWA ANASIMAMUWA NA MZEE
WANDICIMA SICHEI PIANGUNI AKIWA YEGE NDIOYE
MKENYE TITAL NO 482. BAADA YAPA BWANA
BENJAMIN CHEPKOY NGEYWO AKAUZIA COUNTY
SHAMBA EKA MOJA AMBAPO NDIO YA SHULE YA
KAPCHEPKU. AKITUMIA ILE TITAL NO 482
AKIWA CHIMI YA WANDICIMA SICHEI PIANGUNI.
BAADA YA KUNUNUA SHAMBA KAMATI
ILITEULIWA AMBAPO CHEMONGES KIMATWAI
ALITEULIWA AKIWA MWENYEKITI WA SHULE
NA WENGINEO NA TUKAANZA KIENZI HUWO
KIDOGO BAADA YA MCA KUTUPA MABATI NA
PIA TUKAANZA CHA MOJA TUKIWA NA WALIMU
WAKILI ANNAH NGEYWO JEMBO NA LUKAS RUTI
WELIKA SHULE TUMEKUWA WAKAFUNZI 24 NA ZAIDI
PUNDE TUKAPATA UJUMBE KUTOKA KWA KITAMA
WA MZEE MARAKIMU CHEWOREI AMBAYE NI
PETER CHEWOREI AKIDAI TUSIENDELEE NA MIRADI
YAYOTE KWA NIHO SHAMBA AMBAPO SHULE ITOLEWE
ETI SHAMBA NI LAKE NA ANA TITAL YAKE KANDU
NA ILE 482 YAKE NI 2041 KWA HUGO
VITI YA SHULE NA UBAO ZINAWEKWA TIRANI YA
SHULE

THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017
CERTIFICATE OF OFFICIAL SEARCH

TITLE NO. N.M. MAKU/ES/2041

SEARCH NO

On the 25th day of MAY, 2026, the following were the subsisting entries on the register of the above-mentioned title:

Part A - Property Section [easements, etc.]

Nature of title..... Resolved

Approximate area... 8.53 km² - 19.11 0.21 m² 71 m² 71 m² 119

Part B - Proprietorship Section SUBDIVISION OF PLOT NO. 482

Name and address of proprietor.

2017-2018 PFWZ PFWZ CITIZENS

Bill-2017 71002 man 18600

Inhibitions, cautions and restrictions

Part C - Encumbrances Section [leases, charges, etc.]

The following applications are pending:

(a)

(b)

The following certified copies are attached as requested:

(a)

Date 284 day

20.26

Seal

~~SIGNED by the Registrar~~

~~Name:~~
~~Signature~~

A. O. Bakin