



OUR COPY.

FLORICULTURE INTERNATIONAL LIMITED
P.O. Box 104639-00101
NAIROBI

OUR REF: FIA/GEN/2026

YOUR REF: TBA

Wednesday, 21st October 2026

The Cabinet Secretary, Ministry of Interior and National Administration
Harambee House, Harambee Avenue
P.O. Box 30510 – 00100,
NAIROBI

The Director of Public Prosecutions
Office of the Director of Public Prosecutions,
ODPP House, off Ragati Road, Upper Hill
P.O. Box 30701 – 00100,
NAIROBI

The Director of Criminal Investigations
DCI Headquarters, Mazingira House,
Kiambu Road (opposite Kenya Forest Service Headquarters, Karura)
P.O. Box 30036 – 00100,
NAIROBI

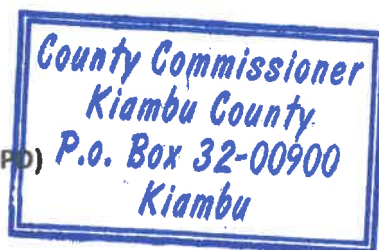
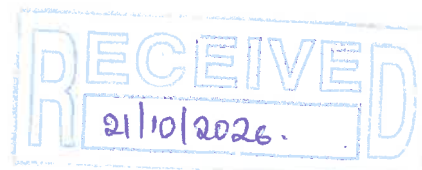
The Inspector General of Police.
National Police Service Headquarters
Jogoo House 'A', Harambee Avenue
P.O. Box 44249 – 00100
NAIROBI

The County Commissioner, Kiambu County
County Commissioner's Office
Kiambu Town
KIAMBU

The Officer Commanding Police Division (OCPD)
Thika Police Division
Thika Police Station, Thika Town
THIKA

The Chairperson Independent Policing Oversight Authority (IPOA)
ACK Garden Annex, 1st Ngong Avenue
P.O. Box 23035 – 00100
NAIROBI

Dear Sirs/Madam,



RE: FORMAL COMPLAINT AGAINST MR JAMES MUIRURI WANYOIKE (P/NO. 2008001270), DEPUTY COUNTY COMMISSIONER (DCC), THIKA WEST, FOR ABUSE OF OFFICE, CONFLICT OF INTEREST AND THE USE OF THE THIKA WEST SUB-COUNTY SECURITY APPARATUS UNDER HIS DIRECTION TO PROTECT THE UNLAWFUL OCCUPATION OF LAND PARCEL THIKA MUNICIPALITY BLOCK 8/264 (PREVIOUSLY L.R. NO. 7705), THIKA

We refer to the above in which we write to you as Floriculture International Limited, the registered proprietor of the land known as Thika Municipality Block 8/264 (previously L.R. No. 7705), Thika ("the suit property"). We write to lodge a formal and serious complaint against Mr James Muiruri Wanyoike (P/No. 2008001270), the Deputy County Commissioner, Thika West ("the DCC").

The DCC is the Chairperson of the Thika West Sub-County Security and Intelligence Committee. Under his leadership, that committee has abandoned any pretence of impartiality. Its conduct, taken as a whole, shows a committee that is leaning firmly towards the persons unlawfully occupying our land, and that is *labouring under a conflict of interest which disqualifies it from any further dealing with this matter*. Its members, and in particular the Sub-County Police Commander (OCPD), Thika, Mr John Kimanthi, and the Sub-County Criminal Investigations Officer (DCIO), Thika, Ms Jacinta Ndavi, have acted strictly on the DCC's directions rather than on the law.

Our title to the suit property is not in question. The property was transferred to us in May 1995, after the chargees, Trust Bank Limited and Trust Finance Limited, sold it in the exercise of their statutory power of sale following the borrower's default. The former owner, Central Kenya Limited, challenged the charges, the sale and the transfer to us in **Nairobi HCCC No. 3590 of 1995, Central Kenya Limited v Trust Bank Limited & 12 Others**.

By a judgment delivered on 14th February 2020, Hon. Justice F. Tuiyott dismissed that challenge in its entirety. The Court held that the charges were valid, that the chargees were within their rights in exercising their statutory power of sale, and that once the property was sold and transferred to us, Central Kenya Limited's "equity of redemption had been extinguished" and it could no longer question the transfer. The Court did not grant our counterclaim for eviction, which is the only reason we have had to pursue possession in separate proceedings. Central Kenya Limited's appeal, Nairobi Civil Appeal No. 284 of 2020, is pending, but to our knowledge the judgment has not been stayed or set aside.

The persons now on the land claim through Central Kenya Limited. Whatever right Central Kenya Limited once had was lost the moment the power of sale was lawfully exercised, and no court has restored it. The occupants are therefore on the land without any right, and it is their unlawful occupation, not our lawful title, that the security officers of Thika West have chosen to protect.

On many occasions we have obtained orders for the eviction of the occupants and served them on the police and the security officers of Thika West. The most recent were the orders of the Business Premises Rent Tribunal of 16th April 2026, in BPRT Case No. E463 of 2026, and of 5th October 2026, in BPRT Case No. E1109 of 2026. Each order granted vacant possession, permitted eviction in default, and expressly directed the OCS, Ngoigwa Police Station, to enforce it.

Every one of those orders met exactly the same fate. Once served, it was left to lie. The police took their time, nothing was done for days and then weeks, and our follow-up letters and visits were met with no clear answer. When any explanation was offered, it was always the same: that the Sub-County Security

and Intelligence Committee, chaired by the DCC, must first sit to decide when the eviction would be carried out. That meeting never produced a date, and no enforcement ever followed.

The purpose and the effect of this delay are plain. It gave the occupants all the time they needed to rush to court and obtain stay orders, and that is precisely what happened to both the April and the October orders, before a single step had been taken to enforce either of them. We do not ask any officer to act on an order that is now stayed. We complain about what was deliberately not done while those orders were in force.

The same excuse, producing the same result, order after order, cannot be a coincidence. A committee that acts in good faith and on impartial grounds does not, time and again, arrive at the one outcome that serves only one side. We are driven to the conclusion that the members of the Sub-County security committee are acting in concert, under the DCC's leadership, and that the occupants are using the offices of those public officers to frustrate our rights and defeat orders that we have lawfully obtained.

The DCC stands at the centre of this. As Chairperson, he alone decides when the security committee meets and what it resolves, and enforcement has been made to wait on his committee every single time. Tellingly, even the occupants, in their constitutional petition they have now filed in the High Court at Thika, describe the DCC as the officer responsible for planning and overseeing the security arrangements for any eviction, and insist that no eviction can take place until his committee has met. The security meeting is thus the very step on which the occupants and the police both rely, and it is a step the DCC has never once allowed to produce a result.

The DCC has gone further and taken it upon himself to direct the police officers of the Sub-County in this matter. He has no lawful authority to do so. Under Article 245 of the Constitution, command of the National Police Service lies with the Inspector General alone, and no Deputy County Commissioner may usurp it.

We have, moreover, received information that the DCC has been promised a portion of the suit property, or some other benefit, by or on behalf of the occupants. We demand that this be investigated without delay. It is the only explanation we can find for the consistent pattern of conduct we describe. If it is true, it is a grave conflict of interest and a corrupt abuse of public office for private gain, and it disqualifies the DCC from any further role in this matter.

The OCPD and the DCIO are both members of the DCC's committee. Each of them has been served with the orders on several occasions, and each is fully aware of the history of this dispute, including the High Court judgment confirming our title. Yet, rather than discharge their own independent duties under the Constitution and the National Police Service Act, both have deferred entirely to the DCC and taken no step on any order without his approval.

The OCPD has taken no step to enforce any of the orders and has ignored our letters and complaints. The DCIO has failed to investigate our complaints of trespass and forcible detainer, and to our knowledge no statements have been taken and no investigation opened. An instruction from the DCC is no excuse for either of them. Both answer to the Inspector General, not to the DCC, and by placing his wishes above lawful orders they have made themselves party to his conduct.

The matter has now reached a point that is frankly absurd. Administration Police officers are stationed on the suit property, manning and guarding it for the benefit of the occupants. We are informed that these

officers are being paid to do so, although we do not know by whom. When approached, they stated that they are not under the command of the OCPD, Thika, but are from "a higher command", which they refused to identify.

Police officers are public servants under the independent command of the Inspector General. They are not private guards for hire, and Article 239(3)(a) of the Constitution forbids any member of a national security organ from acting in a partisan manner. That officers of the State should be stationed on private land, apparently for payment, to shield persons who have no right to be there, and should then claim to answer to no local commander, is a matter that calls for the Inspector General's urgent and personal attention.

Every member of the Sub-County security committee knows the history of this matter. Yet the committee has consistently withheld action, accepted the same empty excuse from its chairperson, tolerated paid officers on the land, and left the occupants undisturbed. At best, its members have placed loyalty to the DCC above their duty to the law. At worst, they share in the interest the DCC is said to hold in the land. Either way, the committee has forfeited any claim to impartiality and must be relieved of any role in this matter.

This conduct goes well beyond a breach of administrative and ethical duty. If established on investigation, it would amount to criminal offences. These include abuse of office, contrary to Section 101 of the Penal Code (Cap. 63) and Section 46 of the Anti-Corruption and Economic Crimes Act, 2003, and wilful neglect of official duty, contrary to Section 128 of the Penal Code. The concerted frustration of lawful orders while they were in force would amount to conspiracy to defeat justice, contrary to Section 117 of the Penal Code.

The soliciting or receiving of a benefit in return for the improper performance of a public function, whether in the form of a promised portion of land or payments to officers guarding it, is an offence under Section 6 of the Bribery Act, 2016. The occupants themselves, in holding the land without any colour of right, are in forcible detainer contrary to Section 91 of the Penal Code. For these reasons, we have copied this letter to the Director of Public Prosecutions.

The law on these matters is settled. An order binds every person, public officers included, until the court that made it stays or sets it aside (*Hadkinson v Hadkinson* [1952] 2 All ER 567; *Econet Wireless Kenya Ltd v Minister for Information & Communication of Kenya & Another* [2005] eKLR). A security committee may plan how an order is to be enforced; it has no power whatsoever to decide that it will not be enforced, or to achieve the same result by delay.

Articles 10, 73 and 232 of the Constitution require every public officer to act with integrity and impartiality. Section 12 of the Public Officer Ethics Act, 2003 and Section 16 of the Leadership and Integrity Act, 2012 forbid public officers from allowing personal interests to conflict with their official duties. The conduct we have described has denied us our rights under Articles 40, 47 and 48 of the Constitution: our right to property, to fair administrative action, and to access to justice, which includes the right to have lawful orders enforced.

We therefore;

1. Call upon the Inspector General of Police to direct, without delay, an investigation by officers from outside Thika West into the conduct of Mr James Muiruri Wanyoike, Mr John Kimanthi and

Ms Jacinta Ndavi in relation to the suit property, including the alleged promise of land to the DCC. We further call upon the Inspector General to establish who deployed the Administration Police officers now on the land, which "higher command" they claim to answer to and who is paying them, to withdraw them forthwith if there is no lawful authority for their presence, and to place all police matters concerning the suit property in the hands of the County Police Commander, Kiambu, while the investigation is pending.

2. Call upon the County Commissioner, Kiambu County, to inquire urgently into the DCC's handling of this matter, to direct him to recuse himself immediately from any deliberations concerning the suit property and to cease issuing instructions to police officers about it, and to consider his removal from Thika West together with such disciplinary action as the inquiry may warrant.
3. Call upon the OCPD, Thika, to record this complaint formally and to explain in writing what action was taken on each order served on the police, why no action was taken while those orders were in force, and on whose authority Administration Police officers are stationed on the suit property within his division.
4. We invite the Director of Public Prosecutions, in the exercise of the powers conferred by Article 157(4) of the Constitution, to direct the Inspector General to investigate the criminal conduct described in this letter, with a view to the prosecution of any person found to have committed an offence.

We require a written response within **fourteen (14) days** of receipt of this letter. Should we not receive a satisfactory response within that time, we shall, without further notice, escalate this complaint to the Commission on Administrative Justice and the Ethics and Anti-Corruption Commission, and pursue all remedies available to us in law. We have shown patience for many years. We will not allow our property to be held hostage by persons whose claims the High Court has rejected, with the protection of public officers who are duty-bound to uphold the law.

Yours faithfully,



ABDIRASHID ABDUL SHARIFOW

Director

For and on behalf of **FLORICULTURE INTERNATIONAL LIMITED**

Enclosures:

1. Copy of the title / certificate of lease for Thika Municipality Block 8/264 (previously L.R. No. 7705)
2. Judgment in Nairobi HCCC No. 3590 of 1995 delivered on 14th February 2020
3. Ruling in Thika ELC Petition No. E017 of 2025 delivered on 23rd March 2026
4. Order in BPRT Case No. E463 of 2026 dated 16th April 2026
5. Order in BPRT Case No. E1109 of 2026 dated 5th October 2026

Copies to:

1. **Mr James Muiruri Wanyoike (P/No. 2008001270), Deputy County Commissioner, Thika**
DCC's Office, Thika Town
THIKA
2. **Ms Jacinta Ndavi, Sub-County Criminal Investigations Officer (DCIO), Thika**
Thika Police Station
THIKA

