



**Isiolo Ground Users Association (Suing through its officials) v Isiolo Sand Transporters Association & 2 others (Environment & Land Petition 1 of 2023) [2023] KEELC 17801 (KLR) (29 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17801 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND PETITION 1 OF 2023**

**PM NJOROGE, J**

**MAY 29, 2023**

**BETWEEN**

**ISIOLO GROUND USERS ASSOCIATION (SUING THROUGH ITS OFFICIALS) ..... PLAINTIFF**

**AND**

**ISIOLO SAND TRANSPORTERS ASSOCIATION ..... 1<sup>ST</sup> DEFENDANT**

**COUNTY GOVERNMENT OF ISIOLO ..... 2<sup>ND</sup> DEFENDANT**

**ISIOLO SAND LOADERS ASSOCIATION ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. This application is dated May 2, 2023 and seeks orders;
  1. That the application be certified urgent and service thereof be dispensed with and the same be heard *ex-parte* in the first instance as the object for this application and main petition will be defeated.
  2. That the honourable court be pleased to grant an order of temporary injunction restraining respondents, their agents, servants, assignees and/or anyone at their behest from entering trespassing, harvest sand, excavating murram, burning charcoal or otherwise engaging in any other activities or land and environment degradation of all that area known as Isiolo Holding Ground within Isiolo County within the Republic of Kenya pending the hearing and determination of this application.
  3. That this honourable court be pleased to grant an order of temporary injunction restraining the respondents, their agents, servants, assignees and /or anyone at their behest from entering, trespassing, harvesting sand, excavating murram, burning charcoal or otherwise engaging in



any other activities of land and environment degradation of all that area known as Isiolo Holding Ground within Isiolo County within the Republic of Kenya pending the hearing and determination of the main Petition.

4. That the honourable court be pleased to make such further or other orders or relief as it may deem just an expedient in the circumstances of this case.
5. That cost of this application be costs in the cause.
2. When the application came up for interparties hearing on May 29, 2023, the respondents were not in court despite evidence that they had been properly served. The petitioner's advocate, asked the court to allow the application as it had not been opposed.
3. I do not find that the respondents have not opposed the application despite proper service having been executed upon them.
4. In the circumstances, the following orders are issued;
  - a. This application is allowed in terms of prayers 2 and 3.
  - b. Costs shall be the cause.
  - c. The petitioner's advocate is directed to serve the orders issued by the court today upon the respondents within 5 days of today.
  - d. Directions will be issued on July 3, 2023.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 29<sup>TH</sup> DAY OF MAY, 2023 IN THE PRESENCE OF**

Court assistant: Balozi/Rahma

Caleb Mwiti for the Petitioner

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

