



Amollo v Nyandiga & 3 others; Ms Oguttu Mboya, Ochwal And Partners Advocates (Applicant) (Environment & Land Petition 1 of 2022) [2023] KEELC 17607 (KLR) (24 May 2023) (Ruling)

Neutral citation: [2023] KEELC 17607 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND PETITION 1 OF 2022
GMA ONGONDO, J
MAY 24, 2023
IN THE MATTER OF SECTION 84(1) OF THE CONSTITUTION OF KENYA
AND
IN THE MATTER OF THE CONSTITUTION OF KENYA (SUPERVISORY JURISDICTION AND PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL)
HIGH COURT PRACTICE AND PROCEDURE RULES, 2006.
RULES 2,3,4,5
AND
IN THE MATTER OF THE ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS AND FREEDOM UNDER SECTION 75 OF THE CONSTITUTION OF KENYA.
AND
SECTION 3 OF THE LAND DISPUTE TRIBUNALS

BETWEEN

SILAS ABONG'O AMOLLO PETITIONER

AND

JANE ATIENO NYANDIGA 1ST RESPONDENT

ASEGO DIVISIONAL LAND DISPUTE TRIBUNAL 2ND RESPONDENT

THE HONOURABLE ATTORNEY GENERAL 3RD RESPONDENT

THE SENIOR RESIDENT MAGISTRATE HOMA-BAY LAW COURT 4TH RESPONDENT



AND

MS OGUTTU MBOYA, OCHWAL AND PARTNERS ADVOCATES APPLICANT

RULING

1. Mr Nyauke learned counsel for 1st respondent has sought to have PW1 recalled for further cross examination on the issue of judicial review proceedings conducted at Kisii Law Courts as per further statement of the petitioner (PW1) dated May 31, 2022.
2. Mr O.M Otieno learned counsel for the petitioner has no objection to the 1st respondent's prayer.
3. I have heard Mr Nyauke for the 1st respondent Mr O.M Otieno for the petitioner and in the absence of the 2nd, 3rd, 4th respondents duly served as per affidavit of service sworn on April 14, 2023 and filed herein by the petitioners counsel.
4. In the result, I find the prayer merited and hereby allow the same accordingly.
5. It is so ordered.

DATED AND DELIVERED AT HOMABAY THIS 24TH DAY OF MAY 2023.

G.M.A ONG'ONDO

JUDGE

Present.

Mr. O.M Otieno learned counsel for Petitioner.

Mr. Nyauke learned counsel 1st Respondent.

Mutiva, court assistant

