



Ogwang & 3 others v Odak ((Sued in his capacity as the legal representative and an administrator of the Estate of Zilpah Odak (Deceased)) (Environment & Land Case 28 of 2021) [2023] KEELC 17767 (KLR) (24 May 2023) (Ruling)

Neutral citation: [2023] KEELC 17767 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 28 OF 2021
GMA ONGONDO, J
MAY 24, 2023
(FORMERLY MIGORI ELC CASE NO. 48 OF 2017)**

BETWEEN

**ANDREW OTIENO OGWANG 1ST PLAINTIFF
TOM OCHOLA ODHIAMBO 2ND PLAINTIFF
GRACE AKINYI OKINDA 3RD PLAINTIFF
LUCY ATIENO OCHIENG 4TH PLAINTIFF**

AND

**TOM ODAK DEFENDANT
(SUED IN HIS CAPACITY AS THE LEGAL REPRESENTATIVE AND AN
ADMINISTRATOR OF THE ESTATE OF ZILPAH ODAK (DECEASED))**

RULING

1. Mr. Ochwangi learned counsel for the plaintiff has sought an order of status quo to be maintained over the suit land reference numbers Central Kasipul/Kamuma/5844, 5845, 5846 and 5847 pending the hearing and determination of this suit.
2. Mr. R. Ochieng learned counsel for the respondent has no objection to the application for status quo order.
3. In that regard, the plaintiff's application is meritorious bearing in mind Section 13 (7) (a) of the Environment and Land Act, 2015 (2011) and other relevant provisions of the law; see also *Ogada - versus- Mollin* (2009) eKLR 620.



4. A fortiori, the parties to maintain status quo over the suit parcels of land reference numbers Central Kasipul/Kamuma/5844, 5845, 5846 and 5847 pending the hearing and determination of this suit. In particular, the parties shall not sell, charge subdivision and transfer of the suit reference numbers during the said period.

5. It is so ordered.

G.M.A ONG'ONDO

JUDGE

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

PRESENT.

1. Mr. B. Mulisa holding brief for Ochwangi for Plaintiff.
2. Mr. Ochieng holding brief for Odingo for defendant.
3. Court Assistant, Mutiva

