



REPUBLIC OF KENYA



**KENYA LAW**  
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**Piemo v Attorney General & another (Environment & Land Case  
1 of 2023) [2023] KEELC 17478 (KLR) (23 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17478 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE 1 OF 2023  
GMA ONGONDO, J  
MAY 23, 2023**

**BETWEEN**

**JOSHUA OUKO PIEMO ..... PLAINTIFF**

**AND**

**THE HON. ATTORNEY GENERAL ..... 1<sup>ST</sup> DEFENDANT**

**COUNTY COUNCIL OF RACHUONYO ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. By a chamber summons dated February 13, 2023 and lodged in court on February 16, 2023 under, inter alia, Order 8 Rule 3 of the *Civil Procedure Rules, 2010* (the application herein), the plaintiff/applicant, Joshua Ouko Piemo through the firm of Kasamani and Associates Advocates is seeking the following orders.
  - a. That the Plaintiff/Applicant do further amend his plaint per the attached Draft.
  - b. That the 2<sup>nd</sup> Defendant be substituted by the County Government of Homabay, the successor in title.
  - c. That the National Land Commissions be enjoined as a party to these proceedings pursuant to the *National Land Commission Act* of 2012.
  - d. That the court do issue a Temporary Injunction directed at the 2<sup>nd</sup> Defendant to cease further development on Land Reference East Karachuonyo/Kobuya/869 pending the hearing and determination of this case.
  - e. That the costs of this application be provided for.



2. The application is anchored on grounds (a) to (d) set on its face, the applicants supporting affidavit of six paragraphs and the documents marked as 'JOP1' and 'JOP2' annexed to the affidavit . Briefly, the applicant claims that the amendment sought will bring forth all the issues for determination herein.
3. Masaka, learned counsel for the 1<sup>st</sup> and 2<sup>nd</sup> defendants/respondents has told the court that this is an old matter and has had a conversation with the applicant's counsel over the matter. That she has no objection to prayers 1, 2 and 3 sought in the application; see also Article 159 (2) (b) of the Constitution of Kenya, 2010.
4. Mr M Mandele instructed by Lutta of Kasamani and Associates Advocates has affirmed the position.
5. So, the application is partially unopposed and meritorious.
6. Accordingly, the application is partially allowed in terms of orders 1,2 and 3 sought therein with costs in the cause.
7. It is so ordered.

**DELIVERED, DATED AND SIGNED AT HOMABAY THIS 23<sup>RD</sup> DAY OF MAY 2023.**

**G.M.A ONG'ONDO**

**JUDGE**

**In the Presence of:**

- a. M. Migele holding brief for Lutta for the applicant**
- b. Masaka for 1<sup>st</sup> and 2<sup>nd</sup> respondents.**
- c. Edith, court assistant.**

