



**Elmi & another v Cabinet Secretary Ministry of Land & Physical Planning & another
(Environment & Land Petition 12 of 2022) [2023] KEELC 17479 (KLR) (22 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17479 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND PETITION 12 OF 2022**

PM NJOROGE, J

MAY 22, 2023

BETWEEN

ALI SAID ELMI 1ST PETITIONER

MOHAMED ABDI AHMED 2ND PETITIONER

AND

**CABINET SECRETARY MINISTRY OF LAND & PHYSICAL
PLANNING 1ST RESPONDENT**

ATTORNEY GENERAL 2ND RESPONDENT

RULING

1. In this petition, the petitioners sought the following orders;
 - a. That this honourable court be pleased to grant declaratory orders declaring that the actions of the 1st Respondent violated the constitution and is null and void ab initio.
 - b. That this honourable court be pleased to grant to the petitioners stay orders as against the 1st Respondent's purported land adjudication application order under legal notice No.150 of 2019.
 - c. An order of certiorari be granted by this honourable court to bring into this court and quash the 1st Respondent's action of the August 27, 2019 legal notice No.150 being the land adjudication (Application) order, 2019.
 - d. An order of prohibition directed at the 1st Respondent prohibiting it from any further surveying, demarcation, mapping, documenting and developing works within Isiolo County.
 - e. That such further orders and directions be issued to facilitate just, expeditious and fair determination of this application and the petition.



2. On April 17, 2023, the parties informed the court that they had filed a Notice of Withdrawal of the suit. Upon perusal of the Notice, I find that the said Notice has been properly filed and served upon all concerned parties in terms of Order 25 Rule 1 of the *Civil Procedures Rules*.
3. In the circumstances, the following orders are issued:
 - a. This suit is hereby marked as withdrawn and should not be reintroduced in the ELC Court.
 - b. No costs are awarded.

DELIVERED IN OPEN COURT AT ISIOLO THIS 22ND DAY OF MAY, 2023 IN THE PRESENCE OF

Court assistant: Balazi

HON. JUSTICE P.M NJOROGE

JUDGE

