



**Kochale & 5 others (Suing on behalf of the residents of Laisamis Constituency and Karare Ward Marsabit County) v Lake Turkana Wind Power Ltd & 3 others; Lesianntam & 5 others (Interested Parties) (Environment & Land Case 163 of 2014) [2023] KEELC 17551 (KLR) (22 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17551 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND CASE 163 OF 2014  
PM NJOROGE, YM ANGIMA & JG KEMEI, JJ  
MAY 22, 2023**

**BETWEEN**

**MOHAMUD ILTARAKWA KOCHALE ..... 1<sup>ST</sup> PLAINTIFF  
KOCHALE SOMO CHALE ..... 2<sup>ND</sup> PLAINTIFF  
ISSA JITEWE GAMBARE ..... 3<sup>RD</sup> PLAINTIFF  
DAVID TOMASOT ARAKHOLE ..... 4<sup>TH</sup> PLAINTIFF  
WILLIAM LENGOYIAP ..... 5<sup>TH</sup> PLAINTIFF  
SEKOTEY SEYE ..... 6<sup>TH</sup> PLAINTIFF  
SUING ON BEHALF OF THE RESIDENTS OF LAISAMIS CONSTITUENCY  
AND KARARE WARD MARSABIT COUNTY**

**AND**

**LAKE TURKANA WIND POWER LTD ..... 1<sup>ST</sup> DEFENDANT  
THE ATTORNEY GENERAL ..... 2<sup>ND</sup> DEFENDANT  
CHIEF LAND REGISTRAR ..... 3<sup>RD</sup> DEFENDANT  
THE NATIONAL LAND COMMISSION ..... 4<sup>TH</sup> DEFENDANT**

**AND**

**AARON ILTELE LESIANNTAM ..... INTERESTED PARTY  
HENRY PARASIAN SAKALPO ..... INTERESTED PARTY  
STEPHEN NAKENO ..... INTERESTED PARTY  
JOB LMALSIAN LENGOYA ..... INTERESTED PARTY**



**DAIR LENTIPAN ..... INTERESTED PARTY**  
**GITSON ENERGY LIMITED ..... INTERESTED PARTY**

### **RULING**

1. The court has considered the 1<sup>st</sup> Defendant's application for the following orders;
  - a. An order to be furnished with a copy of today's ruling and a copy of the proceedings on the application for review.
  - b. Leave to appeal against today's ruling.
  - c. Stay of execution of today's orders.
2. Upon deliberation on those issues the court makes the following orders
  - a. The 1<sup>st</sup> defendant shall be supplied with a copy of today's ruling and a copy of proceedings upon payment of the applicable fee.
  - b. Leave be and is hereby granted to the 1<sup>st</sup> Defendant to appeal against the ruling delivered today.
  - c. The application for stay of execution is hereby declined since it was a dismissal of an application with negative connotations not amenable to the grant of a stay.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 22<sup>ND</sup> DAY OF MAY, 2023 IN THE PRESENCE OF; -**

**Court assistant: Balozi**

**HON. JUSTICE PETER MUCHOKI NJOROGE – PRESIDING JUDGE**

**HON. JUSTICE YUVINALIS ANGIMA – JUDGE**

**HON. LADY JUSTICE GRACE KEMEI - JUDGE**

