



**Kendi v Governor, Laikipia County & 2 others; Taiti & 6 others (Interested Parties)
(Constitutional Petition E003 of 2022) [2022] KEHC 14541 (KLR) (31 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14541 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
CONSTITUTIONAL PETITION E003 OF 2022
HPG WAWERU, J
OCTOBER 31, 2022**

BETWEEN

LILIAN KENDI PETITIONER

AND

GOVERNOR, LAIKIPIA COUNTY 1ST RESPONDENT

COUNTY ASSEMBLY OF LAIKIPIA 2ND RESPONDENT

CLERK, COUNTY ASSEMBLY OF LAIKIPIA 3RD RESPONDENT

AND

ALBERT WAGURA TAITI INTERESTED PARTY

LEAH NJERI INTERESTED PARTY

SAMUEL WACHIRA GACHIGI INTERESTED PARTY

SYLVIA MUSENYA KIHORO INTERESTED PARTY

EDWIN KASOO INTERESTED PARTY

STEPHEN BIWOTT KISORIO INTERESTED PARTY

EKWAM MARTIN NABOS INTERESTED PARTY

RULING

1. On October 26, 2022 the petitioner lodged the petition herein challenging the nomination of the seven interested parties for appointment as members of Laikipia County Executive Committee by the 1st respondent. Various declarations and orders are sought.



2. Filed together with the petition is an application by notice of motion dated October 25, 2022 seeking an appropriate conservatory order pending hearing and disposal of the petition. The specific order sought is to restrain the 2nd, 3rd and 4th respondents -

“...from vetting the list of nominees forwarded to them by the 1st respondent, including the 1st to 7th interested parties, pending hearing and determination of the petition...”.

An interim conservatory order is also sought pending hearing and disposal of the application.

3. I have considered the submissions of the learned counsels appearing this morning. I have also read the petition, the application and all supporting affidavits and documents. Finally I have considered article 179 of the *Constitution of Kenya*, 2010; section 35 of the *County Government Act*, No 17 of 2012; sections 4 to 12 of the *Public Appointments (County Assemblies Approval) Act*, No 5 of 2017; and section 10 of the *County Assemblies Powers and Privileges Act*, No 6 of 2017.
4. So as not to compromise the fair hearing of the petition and the application for conservatory order, the court will not say much at this interim stage. Suffice it to say that having considered the nature of the petitioner’s complaint, the mandate of the Laikipia County Assembly in respect to approval of nominations for appointment to the executive committee, and the statutory time-lines set out in sections 9 and 11 of the *Public Appointments (County Assemblies Approval) Act*, this court declines issuance of any interim conservatory order. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 31ST DAY OF OCTOBER 2022

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 31ST DAY OF OCOTBER 2022

