



**Sorcha v Muhidin & 2 others (Environment & Land Petition  
009 of 2021) [2023] KEELC 18808 (KLR) (17 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18808 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND PETITION 009 OF 2021  
PM NJOROGE, J  
JULY 17, 2023**

**BETWEEN**

**ALI GUYO SORCHA ..... PLAINTIFF**

**AND**

**NOOR MUHIDIN ..... 1<sup>ST</sup> RESPONDENT**

**COUNTY GOVERNMENT OF MARSABIT ..... 2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. On the face of this application, it is stated that it has been brought to court under Order 22 Rule 29 (i) of the *Civil Procedure Rules* and Section 1A, 1B & 3A of the *Civil Procedure Act*, Cap 21 of the Laws of Kenya and Part III of the High Court Practice Rules and all other enabling provisions of the law.
2. The application seeks the following orders;
  - a. It is hereby declared that the actions by the respondents to take away the Petitioner's Plot No 747, Marsabit Town, were irregular, unlawful and null and void ab initio.
  - b. An order is hereby issued directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to revert Plot No 127 back to the Petitioner.
  - c. An order is hereby granted quashing the proceedings and decision of the purported committee on land which allegedly took place in 1998.
  - d. A mandatory permanent injunction is hereby issued restraining the 1<sup>st</sup> and 2<sup>nd</sup> respondents, their agents and assignees from entering, encroaching, upon or in any way interfering with the quiet possession by the Plaintiff of Plot No 127 Marsabit Town.



3. The application is supported by the affidavit of Adhi Ali Sorcha sworn on 2<sup>nd</sup> December, 2022 and has the following grounds;
4. This is a matter where the applicant seeks that the court facilitates the completion of this case by allowing the applicant to enjoy the fruits of the Judgement delivered by this court in his favour. The applicant says that despite Judgement having been delivered in his favour, the respondents have continued to occupy the suit land. He opines that litigation must at some point come to an end. I agree.
5. Taking into account that Judgement was delivered on 20<sup>th</sup> June, 2022 over 1 year ago, I find that the orders sought by the applicant are merited.
6. The respondents did not file submissions.
7. In the circumstances, I issue the following orders; -
  - a. Prayers 2,3 and 4 are hereby granted.
  - b. Costs shall follow the event and are awarded to the applicants.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 17<sup>TH</sup> DAY OF JULY, 2023 IN THE PRESENCE OF;**

Court Assistant: Balozi

Caleb Mwiti holding brief for Ondari for the Applicant/Petitioner.

Benjamin Kimathi present for the 4<sup>th</sup> for the 4<sup>th</sup> defendant.

Other parties not present.

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

