



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW APPLICATION NO. E1143 OF 2020

BETWEEN

NIRMAL SINGH SIDHU.....1ST APPLICANT
 KEVIN MULEI2ND APPLICANT
 SAMSON MICHAEL.....3RD APPLICANT
 KULVINDER RANA.....4TH APPLICANT
 MOHAMMED BANK.....5TH APPLICANT
 JASBIR KAUR SIDHU.....6TH APPLICANT
 HAWA DIRIE HUKI.....7TH APPLICANT
 NIDHI RANA.....8TH APPLICANT
 FATIMA HASSAN HUSSEIN9TH APPLICANT

VERSUS

THE DIRECTOR-GENERAL, NATIONAL ENVIRONMENT
 MANAGEMENT AUTHORITY.....1ST RESPONDENT
 COUNTY GOVERNMENT OF NAIROBI2ND RESPONDENT

AND

LAVINGTON UNITED CHURCH.....INTERESTED PARTY

RULING

The Application

1. The Applicants herein have filed an application by way of a Chamber Summons dated 24th November 2020, seeking the following orders:

1. THAT the matter be certified as urgent.
2. THAT leave of court be granted to seek Judicial Review Orders of:

a) CERTIORARI- To bring into this court and to quash the National Environment Management Authority (NEMA) Environmental Impact Assessment License No. NEMA/EIA/PSL/8582 dated 24th October, 2019, issued by the 1st Respondent.

b) CERTIORARI- To bring into this court and to quash the Nairobi City County Change of User Approval, PPA-CUAAB493, issued by the 2nd Respondent on 23rd October, 2018.

c) PROHIBITION- To prohibit against further or any other construction that is in breach of the Zoning Regulations of the 2nd Respondent.

d) THAT the leave granted in (2) above operate as stay of the Environmental Impact Assessment License No. NEMA/EIA/PSL/8582 dated 24th October, 2019, issued by the 1st Respondent and the Change of User Approval, PPA-CU-AAB493 issued by the 2nd Respondent and further restrain the Interested Party from proceeding with the construction on L.R. No. 3734/991 pending the hearing of the substantive application of this matter.

4. THAT any other, further or alternative orders be made as the court may deem just and expedient.

5. THAT costs of this application be provided for.

2. It is evident that the *ex parte* Applicants are seeking orders in relation to the use of land in the said application. Any disputes and orders sought in relation to title, use and occupation of land now fall within the exclusive jurisdiction of the Environment and Land Court, pursuant to Articles 162(2) (b) and 165(5) of the Constitution, and section 13 of the Environment and Land Court Act. This Court therefore has no jurisdiction to hear and determine the Chamber Summons dated 24th November 2020.

The Orders

3. In the premise I direct and order that this suit be and is hereby transferred to the Environment and Land Court at Nairobi for further hearing and determination. The Applicants' Chamber Summons dated 24th November 2020 shall accordingly be placed before the **Duty Judge** at the **Environment and Land Court at Nairobi** on **10th December 2020**, for directions.

4. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the Applicants, and to the Deputy Registrar of the Environment and Land Court at Nairobi, by close of business on 3rd December 2020.

5. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF NOVEMBER 2020

P. NYAMWEYA

JUDGE