



**Seleka & 4 others v Leturesh & 16 others (Environment & Land Case  
341 of 2019) [2023] KEELC 20784 (KLR) (16 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20784 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE 341 OF 2019  
LN MBUGUA, J  
OCTOBER 16, 2023**

**BETWEEN**

**KASAINO OLE SELEKA ..... 1<sup>ST</sup> PLAINTIFF  
JAMES MOKOIRE MOONKA ..... 2<sup>ND</sup> PLAINTIFF  
JOHN MILIA MULI ..... 3<sup>RD</sup> PLAINTIFF  
KILELO OLE SEITA ..... 4<sup>TH</sup> PLAINTIFF  
MANINA RIKOYIAN ..... 5<sup>TH</sup> PLAINTIFF**

**AND**

**DANIEL KIRIA LETURESH ..... 1<sup>ST</sup> DEFENDANT  
ELIJAH KEEN NAINI ..... 2<sup>ND</sup> DEFENDANT  
JOSEPH KIPAIPAI NTAANI ..... 3<sup>RD</sup> DEFENDANT  
EUSTACE N KITHUMBI ..... 4<sup>TH</sup> DEFENDANT  
JOSIAH K LESSAN ..... 5<sup>TH</sup> DEFENDANT  
DIRECTOR OF LAND ADJUDICATION & SETTLEMENT .... 6<sup>TH</sup> DEFENDANT  
MINISTRY OF LANDS AND PHYSICAL PLANNING, COUNTY SURVEYOR  
KAJIADO ..... 7<sup>TH</sup> DEFENDANT  
REGISTRAR OF LANDS KAJIADO ..... 8<sup>TH</sup> DEFENDANT  
DIRECTOR OF PHYSICAL PLANNING, KAJIADO COUNTY .... 9<sup>TH</sup>  
DEFENDANT  
REGISTRAR OF COMMUNITY LAND ..... 10<sup>TH</sup> DEFENDANT  
LEPERES OLE KOSEI ..... 11<sup>TH</sup> DEFENDANT**



THOMAS MARIMPET .....	12 <sup>TH</sup> DEFENDANT
LENKISHON KAMITI SITOYI .....	13 <sup>TH</sup> DEFENDANT
KEEN OLE NKOMIYA .....	14 <sup>TH</sup> DEFENDANT
RINKOINE KALAMA .....	15 <sup>TH</sup> DEFENDANT
SIMON MPUTE OLOITIPITIP .....	16 <sup>TH</sup> DEFENDANT
LONINGO OLE SEREKA .....	17 <sup>TH</sup> DEFENDANT

## RULING

1. This ruling relates to the application for adjournment made by counsel for 7<sup>th</sup> – 9<sup>th</sup> defendants on the ground that they have difficulties reaching to their clients. The application is opposed by counsel for plaintiff but is supported by counsel for 1<sup>st</sup> – 3<sup>rd</sup> defendants.
2. The records indicate that way back on 26.7.2022, the matter was in court for Pretrial Directions when counsel Motari for 7<sup>th</sup> – 9<sup>th</sup> defendants sought 21 days to comply with order 11. The court gave then 45 days to comply and set the matter down for further Pretrial Direction on 31.1.2023 in open court. The said defendants never turned up in court again until today.
3. In the case of *Virginia Kathambi Maingi v Nicholas Mwatika & 2 others* [2021] eKLR, the court had this to say on the issue of Pre trial directions:
 

“practice Directions act as a reflux value to facilitate progress and avoid stagnation in resolution of disputes.”
4. In the case of *Moschion v Mwangi* (ELC Case No 350 of 2018) [2023] KEELC 17144 (KLR), I stated that the right to be heard is sacrosanct but only available to parties who don’t drive themselves from the seat of justice.
5. The 7<sup>th</sup> – 9<sup>th</sup> defendants have heard one year and 3 months (since July 2022) to prepare for the case, but since then, they have never bothered to appear in court for purposes of preparing for the trial. They are not even sure if their pleadings have been duly served.
6. In the circumstances, I decline to allow the prayer for adjournment. On the same breadth, I decline the application for counsel for 7<sup>th</sup> – 9<sup>th</sup> defendants to cease acting.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF OCTOBER, 2023 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

