



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND JUDICIAL REVIEW DIVISION
MISC. APPLICATION NO.1019 OF 2004

BETWEEN

HON. BASIL CRITICOSPETITIONER/APPLICANT

AND

ATTORNEY GENERAL.....1ST RESPONDENT

COMMISSIONER OF POLICE.....2ND RESPONDENT

MINISTER OF STATE, OFFICE OF THE PRESIDENT.....3RD RESPONDENT

AND

AGRICULTURAL FINANCE CORPORATION.....INTERESTED PARTY

RULING

Introduction

1. This Ruling relates to two Applications filed before this Court on various dates.

APPLICATION DATED 21ST NOVEMBER 2011

2. The first Application is dated 21st November, 2011 and was filed by the Petitioner/Applicant seeking the following orders:

- a. ...
- b. ...

c. *The Commissioner of Police be ordered to send the General Service Unit to enforce the court orders dated 13th September, 2005, Misc Application No 1019 of 2004 and the decree dated 21st July, 2011 in Milimani HCCC No. 446 of 2009, Basil Criticos vs The Agricultural Finance Corporation and to proceed to evict all invaders and trespassers from L.R Nos 5865/2, 5827, 6731 and 6732 and remove all illegal structures erected on the suit properties.*

d. *The Commissioner of Police be ordered to maintain a police presence to ensure that no invaders and trespassers re-enter L.R Nos 5865/2, 5827, 6731 and 6732.*

- e. *The Minister of State be ordered to provide a concise report explaining why the court orders have been blatantly disobeyed by the District Commissioner and the Officer Commanding Police Division in Taveta District.*
- f. *The Attorney General, the Public Service Commission and the Office of the Ombudsman do investigate why court orders have been disobeyed and if any action should be taken against the concerned public servants in Taveta District.*
- g. *The Court be pleased to give directions on the hearing of the Originating Summons dated 30th July, 2008.*
- h. *Costs be in cause.*

3. The grounds in support of the above Application are that:

- a. The District Commissioner of Taveta District and the local Officer Commanding Police Division (OCPD) have deliberately and contemptuously refused to obey the court orders requiring them to remove invaders and trespassers on the suit properties.
- b. The District Commissioner had actively encouraged the invasion of the Applicant's parcels of land and encouraged invaders and trespassers to remain on the said land.
- c. The rule of law and the Applicant's constitutional right to own property is contemptuously being disregarded and abused by the aforementioned public servants who are contravening the spirit of the **Public Officers and Ethics Act**.
- d. The Applicant is being rendered destitute and cannot repay his debts on account of years of deliberate frustrations occasioned by the local administration.
- e. The contemptuous disobedience of court orders is directly going to result in tax payers having to pay damages for the economic sabotage orchestrated by the aforesaid public servants who should be surcharged for their acts of contempt.
- f. The Applicant's fundamental rights and human dignity have been trampled upon by the public servants who have refused to obey court orders.

The Applicant's Case

- 4. In addition to the above, in his Affidavit in Support sworn on 21st November, 2011, the Applicant deponed that on 13th September, 2005, a Ruling was delivered by Ibrahim J. (as he then was) where an order for eviction was made against squatters who had invaded the Applicant's land. That the order has not been complied with to date and the local administration in Taveta is not taking any steps to safeguard the sanctity of title or obey the court order.
- 5. He added that it is unfortunate that in this day and age when Kenyans are enjoying the fruits of a new Constitution, public servants can plainly act in contempt of court orders and be the ones aiding and abetting the invasion of private land and are thus directly to blame when the Government is condemned to pay exemplary damages for their acts of impunity.
- 6. He asserted that the Commissioner of Police should not allow court orders to be flagrantly abused when the Applicant is trying to repay a debt of Kshs 100 million to the Agricultural Finance Corporation which urgently requires the funds to advance money to the public as is its mandate. Further, that the Commissioner of Police should at Government expense send in the General Service Unit to enforce the court orders for it is unconstitutional to deny a private citizen access and enjoyment of his private property.

7. His further assertion was that the invasion of his land is an artificial action nurtured by local politicians for selfish reasons and who are using innocent Kenyans as pawns. That once the invaders and trespassers on his land are removed, the land can then be sold to willing buyers after consent to sub-divide it has been granted. In this regard, he added that petty politics should not block his aspirations to sub-divide his land and ensure that willing buyers get the opportunity to purchase that land. That therefore his prayers should be granted as prayed.

APPLICATION DATED 3RD JUNE, 2015

8. The second Application dated 3rd June, 2015 was similarly filed by the Petitioner/Applicant wherein he prays for the following orders:
 - a. ...
 - b. ...
 - c. ***The Inspector General of Police and the Officer Commanding Police Station in Taveta District be summoned to Court to explain why contempt proceedings should not be taken out for disobedience of court orders.***
 - d. ***Costs be in the cause.***

The Applicant's Case

9. In his Affidavit in Support sworn on 3rd June, 2015, the Applicant deponed that he entered into a consent order with the Agricultural Finance Corporation in **Nairobi HCCC No 446 of 2009, Basil Criticos vs The Agricultural Finance Corporation** and agreed, *inter alia*, that the District Commissioner and the Officer Commanding the Taveta Police Division be summoned to explain why they are not executing lawful commands set out in certain court orders made in that case. Pursuant to that consent entered, the Court issued an order on 21st September, 2011 summoning the District Commissioner and the Officer Commanding Taveta Police Division to explain why the court orders had not been obeyed.
10. Before the Notice to show cause could be addressed, on 13th September, 2005, a ruling was delivered by Ibrahim J. (as he then was) where an order for eviction was made against squatters who had invaded the Applicant's various parcels of land in Taveta District and the Applicant has now stated that the said order has since not been complied with and the local administration is not taking any steps to safeguard the sanctity of title or obey the court order to evict the squatters.
11. It was the Applicant's further case that by a letter dated 29th October, 2008, the Officer Commanding Station, Taveta, was requested to provide protection to safeguard his property but neither he nor the local police took any action. For that reason, by a letter dated 3rd December, 2008, his previous advocates sent a complaint to the then District Commissioner for Taveta, Mr. Timothy Nkaduda, to explain why he addressed members of the public at a public rally on 2nd December, 2008 and deliberately misinformed them that the Applicant's parcels of lands were allegedly land belonging to the Government and that any innocent purchasers for value should not be removed by force, yet the Applicant was prepared to sub-divide his land and sell it to willing buyers.
12. Later, his present advocates sent a letter dated 22nd September, 2011 to various Government departments complaining about the deliberate inaction and disobedience of court orders. That while he had previously entered into various sale agreements of land in 2008, the agreements cannot be completed because of the presence of squatters who are simply cultivating the land and do not reside on the charged property save for the 500 acres that he has agreed to carve out to settle registered squatters and various institutions.

13.His case was further that on 18th February, 2015, he obtained consent to sub-divide his land, opened an office in Taveta with a view to having a point of access for prospective buyers to meet him and settle the land purchase agreements, and deponed that there have been positive responses from prospective buyers but none wants to commit himself to any sale agreement until the squatters are removed. Furthermore, that oral offers have been made for the purchase of thousands of acres of land which would assist him to off-set his loan of Kshs 100 million and costs owed to the Agricultural Finance Corporation and various other creditors but none can be formalised for the same reasons.

14.He thus finally urged the Court to allow his Application because he has suffered for years and yet he has all along been willing to sell the land and bring the raging controversy over his parcels of land to an end. That he has come to the end of the road and unless the court orders are obeyed, then the wrong message is being sent out to property owners as regards the sanctity of title. In addition, that his personal investigations have revealed that a majority of Government officials are actually farming on his land and that explains why they cannot have the court orders complied with.

The Interested Party's Case

15.In an Affidavit sworn on its behalf by one, Rose Akinyi Ochanda, its Corporation Secretary, on 14th March, 2012, the Agricultural Finance Corporation stated that it is in support of the Application.

16.It was further deponed on its behalf that it had been sued by the Applicant in **HCCC Civil Suit No.446 of 2009** which suit is pending execution before the High Court. The said suit arose out of a loan facility which it had granted the Applicant in the year 1990 and that the Applicant had offered LR. Nos 6731 and 6732 as security for the repayment of the loan together with any accruing interest. That it later entered into an agreement with the Applicant and part of the agreement related to how the said debt could be recovered through sale of the charged land to third parties.

17.It was its contention that by the said agreement, which was adopted as an order of the High Court, the Taveta Land Control Board was ordered to hear all future applications for consent to sub-divide the Applicant's parcels of land within 30 days of such an application being lodged. In this regard its case was that the Taveta Land Control Board has on several occasions blatantly refused to comply with the said directions of the Court and that it has now been frustrated by the Local Administration in Taveta which has refused to act on the court orders and is thus infringing on its rights. Further, that all attempts to raise the said issues with the Respondents have borne no fruit.

18.Its contention was therefore that unless the Application herein is allowed, it will not recover the sum of Kshs.100, 000, 000/= due and owing from the Applicant.

Respondents' Response

19.While opposing both Applications, the Respondents filed a Replying Affidavit sworn on their behalf by one, Mpembe Hiribae Nkaduda, the District Commissioner Taveta District, on 20th December, 2011 and one by Duncan Njau, the Officer Commanding Taveta Police Station on 4th August, 2015.

20.Mr. Njau deponed that the summons issued by the Court on 7th July, 2015 required his and the Inspector General of Police's attendance to explain why contempt proceedings should not be taken out against the two of them for disobedience of court orders. That from the face of the Order dated 13th September, 2005, there is no reference to any particular parcel of land to which the court orders were to be effected and did not also specifically make reference to land parcels Nos. L.R No. 5865/2, 5827, 6731 and 6732 which belong to the Applicant.

21. Their further case was that by an Application dated 21st November, 2011, the Applicant, at paragraphs 3 and 4 thereof, deponed that attempts were made to qualify the Orders dated 13th September, 2005 issued in **Misc App No. 1019 of 2004** by inserting L.R Nos. 5865/2, 5827, 6731 and 6732, as the land parcels to which the order was to be effected. In that regard, their contention was that such a modification of a court order is irregular and an abuse of court process.
22. Further, that the said Application containing the qualification and rectification of the said Orders was heard and determined and the same was dismissed vide the Ruling of the High Court dated 12th October, 2012. That in addition, from the face of the Decree dated 21st July, 2011 issued in **Nairobi HCCC No. 446 of 2009**, Order No. 7 was the only Order concerning the National Police Service as the said Order required the police to ensure that the surveyor's work on the Applicant's land parcels is not interfered with and further, it required the police to assist the Applicant herein to remove any squatters on L.R Nos. 6731 and 6732. It was their case therefore that the said Order has not been violated and the said surveyors have never showed up in any of the police posts within the larger Taveta area or Taveta Police Station specifically seeking police assistance.
23. Additionally, that the invaders and trespassers, if any, have never been reported to the police or formally identified by the Applicant, and yet the history of L.R Nos. 6731 and 6732 is that amongst its occupants are the Applicant's licensees, squatters settled by the Applicant and persons who have allegedly bought parts of the land from the Applicant. Therefore, it is practically impossible, on the part of the police, to act *suo motu* and conduct evictions without a proper identification of those to be evicted, which duty lies on the Applicant.
24. That in any event, the Consent Order recorded by the Applicant and the Agricultural Finance Corporation Limited in **Nairobi HCCC No. 446 of 2009** has previously been the subject of litigation in this Court, and attempts to bring the Attorney General, the District Officer, Taveta and the Officer Commanding Taveta Police Station into the proceedings, were opposed and upheld. No adverse orders can now therefore be issued against those parties.
25. Finally, it was Mr. Njau's contention that in cases where the Applicant and/or his agents have reported cases of trespass, the police have acted according to the law by arresting the trespassers and have on several occasions facilitated the preference of charges and prosecution of various such individuals.
26. Mr. Hiribae on his part deponed that in response to the Notice of Motion Application dated 20th September, 2011, Grounds of Opposition were filed and the court directed that the Applicant do take a hearing date for his Application from the court Registry and serve the same upon the other parties but to date he has failed to do so.
27. His other deposition was that the orders issued by this Court on 21st September, 2011 directed at the District Commissioner, Taveta District, cannot be enforced legally as the same were consent orders between the Applicant and the Agricultural Finance Corporation and are therefore not effective against parties who were not subject to the consent. That the orders for eviction issued by the court were not blanket in their nature and were directed only against alleged invaders and intruders into the Applicant's land. In this regard therefore, to enforce the court orders in a blanket manner as sought by the Applicant herein would be going against the very intent of the order and will violate the rights of innocent occupants, which rights the Court sought very delicately to preserve.
28. It was deponed further that the rights and fundamental freedoms of an individual cannot be enforced in disregard to the rights and fundamental freedoms of others and are limited to the extent that they infringe upon the fundamental freedoms of others. Therefore, to enforce the court orders without regard to the interests of lawful occupants of the disputed land will lead to a humanitarian crisis as the land in question is occupied by over 10,000 persons who have been resident in the said parcel of land for years and the said land is the only source of subsistence to

them.

29. The Respondents therefore pray that the Application should be dismissed in its entirety.

Determination

30. Based on the foregoing and having read the Parties' pleadings and heard their respective Counsel, it follows that the key issue for determination is whether the Applicant has made out a case to warrant the grant of the orders sought in the two Applications presently before this Court.

31. The first question that I propose to deal with is the one on whether contempt has, *prima facie*, been committed by the Inspector General of Police and the OCPD, Taveta District as claimed in the Application dated 3rd June, 2015.

The law on Contempt

32. In **Johnson vs Grant (1923) SC 789 at 790** Clyde L J noted thus:

“The phrase ‘contempt of court’ does not in the least describe the true nature of the class of offence with which we are here concerned.... The offence consists in interfering with the administration of the law; in impeding and perverting the course of justice..... it is not the dignity of [the] court which is offended – a petty and misleading view of the issues involved, it is the fundamental supremacy of the law which is challenged.”
(Emphasis added)

33. Further, in the case of **Teachers Service Commission vs Kenya National Union of Teachers and 2 Others [2013] eKLR, Ndolo J** observed that:-

“The reason why courts will punish for contempt of court then is to safeguard the rule of law which is fundamental in the administration of justice. It has nothing to do with the integrity of the judiciary or the court or even the personal ego of the presiding judge. Neither is it about placating the applicant who moves the court by taking out contempt proceedings. It is about preserving and safeguarding the rule of law.”

34. As for the principle that Court orders ought to be obeyed in all instances, Romer LJ in **Hadkinson vs Hadkinson (1952) P 285 at 288** pointed out that:

“It is [the] plain and unqualified obligation of every person against or in respect of whom an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged. The uncompromising nature of this obligation is shown by the fact that it extends even to cases where the person affected by an order believes it to be irregular or even void”

35. Regarding the nature of the offence of contempt of Court, in the case of **Re Bramblevale Ltd [1970] CH 128 at P. 137**, Lord Denning stated that:

“A contempt of court is an offence of a criminal character. A man may be sent to prison for it. It must be satisfactorily proved showing that when the man was asked about it, he told lies. There must be some further evidence to incriminate him.”

36. Further, in the Scottish case of **Stewart Robertson vs Her Majesty's Advocate, 2007 Hcac63**, Lord Justice Clerk explained what constitutes contempt. He said;

“contempt of court is constituted by conduct that denotes willful defiance of or disrespect towards the court or that willfully challenges or affronts the authority of the court or the supremacy of the law, whether in civil or criminal proceedings. The power

of the court to punish for contempt is inherent in a system of administration of justice and that power is held by every judge.”

37. In **Heelmore vs Smith,(2)1886**L.R. 35 C.D455, Lord Bowen, LJ aptly stated the rationale for punishing for contempt as follows:

“The object of the discipline enforced by the court in case of contempt of court is not to vindicate the dignity of the court or the person of the Judge, but to prevent undue interference with administration of justice.”

38. Finally, the Court of Appeal in **Mutitika vs Baharini Farm Limited (1985) KLR 229, 234** on the standard of proof in contempt matters stated that:

“The standard of proof in contempt proceedings must be higher than proof on balance of probabilities, almost but not exactly, beyond reasonable doubt.....The standard of proof beyond reasonable doubt ought to be left where it belongs, to wit, criminal cases. It is not safe to extent the latter standard to an offence which can be said to be quasi-criminal in nature”.

39. I agree with the expositions of the law as set out above but I gather however that the standard of proof is now settled as being beyond reasonable doubt because of the fact that a person convicted of the offence of contempt of Court may be sentenced to a jail term. My understanding of the above authorities is also that contempt of court is constituted by conduct that signifies willful disobedience of or disregard towards the court or that deliberately defies the authority of the court or the supremacy of the law. On this basis, the *offence also involves interfering with the administration of the law and thus results in hampering and perverting the course of justice. What also emerges from the above decisions is that the reason why courts will penalize for contempt of court is ultimately the need to safeguard the rule of law.* It is therefore a plain and unqualified obligation of every person against or in respect of whom an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged.

40. In that context, can it then be said that the Court Orders elsewhere referred to above have been disobeyed as alleged? I note in this regard that in its Ruling dated 13th September, 2005 in **Misc Application No. 1019 of 2004**, the Court acknowledged that the suit properties in dispute included Taveta Sisal Estate Limited- L.R Nos. 5865/2, 5827, 6731 and 6732 and Jipe Sisal Estate L.R No. 10287 near Lake Jipe. The Court was also satisfied that the Applicant’s companies were the registered owners of the suit properties and that he was the beneficial owner thereof and entitled to the occupation of the lands. The Court also acknowledged that the suit lands were extremely vast and constituted substantial parts of Taita-Taveta District and went on to explain who the occupants of the said lands were. The Learned Judge in that regard stated thus:

“I am satisfied that there are very many people on the said lands. While the legal ownership is evident from the registration of the titles, it appears to me that there could be several categories of people on the suit properties other than the Applicant and his employees. These are:-

- 1. Licensees – people who have expressly been permitted by the Applicant to occupy and use portions of his land.***
- 2. Squatters on 23,3000 acres of land on Jipe Sisal Estate which was sold to the Government through the Settlement Fund Trustees for Settlement of squatters.***
- 3. Settled squatters on 3000 acres of land donated by the Applicant to the Government for settlement of squatters.***
- 4. Some people who claim to have bought some shares or portions of the Applicant’s land.***

5. *Invaders and trespassers.*”

41. The Learned Judge went on to observe;

“Be that as it may, the court is alive and conscious to the fact that there are very many people on the land whose presence have been recognized and accepted by the Applicant. There are also those purportedly settled by the Government as a result of purchase of land by the Settlement Trustee Fund and as a result of land given by the Applicant freely. It appears that there could be some persons who purchased parts of the land. As a result this court has to be extremely careful in granting blanket eviction orders.

The suit properties are quite unique and the Applicant must accept and acknowledge that his properties are not the common agricultural farms that many farmers own all over the country. Due to the sheer size of the lands herein, there are bound to be problems and difficulties. The farm lands herein cut across locations and constitute a sizeable portion of Taita-Taveta District. Due to the existing situation in respect of categories 1-4 of people on the land, the court cannot issue any orders that may affect them before the hearing of the Originating Summons herein. The court notes that those individuals are not parties in this suit and are not aware of the litigation and the likely consequences of any orders which the court may give.”

The Court proceeded on to make orders as follows:

“The court can only give orders to protect and enforce the Applicant’s rights and fundamental freedoms so long as they do not impinge on those of others and in particular without the opportunity to be heard being given. Any orders given by this court must be appropriately worded and carefully and delicately enforced so that they affect only the intended persons and do not adversely affect the law-abiding persons and the innocent on the lands.

1. *Accordingly I hereby do grant an Order of Eviction against all invaders and trespassers on the suit properties as defined in category 5 above. The said Eviction order shall be suspended until the following conditions have been fulfilled:*
 - a. *The District Commissioner or the District Officer, Taveta do hold Public Baraza within the occupied areas whereat he/she will communicate the Eviction Order and do give the Invaders and Trespassers a period and notice of 30 days to comply with the Orders.*
 - b. *After expiry of the 30 days’ Notice, the Local Officers Commanding Police Stations (OCS’s) within the affected area do tour the area in the company of the District Officers or District Commissioner and do forthwith file a Report in court stating whether the Eviction Order has been voluntarily obeyed or not.*
2. *If the Order has been complied with, then there would be no need for further orders. However, if the order will have been disobeyed then the Respondents are hereby ordered to evict the ascertained invaders and trespassers using reasonable force and in accordance with the law.*
3. *[The] Second Respondent is hereby ordered to promptly investigate the alleged cases or incidents of destruction of crops and other property on the suit properties and those of arson, and, thereafter, consider and charge any suspects found, in accordance with the law.*
4. *Each party is at liberty to apply.”* (Emphasis added)

42. Reading the above orders, it is clear that the court orders on evictions were to the effect that only ascertained invaders and trespassers from the suit properties belonging to the Applicant would be evicted after other conditions set out above had been met.

43. I note further that the Applicant has not controverted the contention by the Respondents that they have not disobeyed the Orders issued by the Court in **HCCC No.446 of 2009** wherein Order No. 7 required the police to ensure that the surveyor's work is not interfered with and that the police also ought to ensure that the surveyors must assist the Applicant in removing any squatters on L.R Nos. 6731 and 6732. I am therefore unable to hold, at a *prima facie* level, that the Respondents are in contempt of court since, as they have stated, the surveyors have never shown up in any of the police posts within the larger Taveta area or in any Police Station within Taveta seeking police assistance.
44. I am further in agreement with the Respondents' contention that the alleged invaders and trespassers have never been reported to the police or formally identified by the Applicant so as to enable the Respondents enforce the said Orders. This, in my view, is a sound reason enough for this Court not to summon the Respondents to be cited for contempt. In addition, it is trite that where there is no evidence, beyond reasonable doubt, to warrant a finding of contempt of Court, the claim must fail.
45. Based on my reasoning above, I am unable to accede to the request to cite the Respondents for contempt as prayed in the Application dated 3rd June, 2015. I must reiterate that it is indeed practically impossible on the part of the police to act on their own and conduct evictions without a proper identification of the alleged invaders and trespassers. In any event, based on the evidence before this Court, I am satisfied that the Respondents have taken prompt action where the Applicant has reported such cases of trespass.
46. Regarding the Application dated 21st November, 2011, the Applicant primarily prays for orders for the enforcement of the Eviction Orders. In this regard, and in light of my findings above, I take the view that for the said eviction orders to be enforced, the Applicant is under a duty to identify any such alleged trespassers and invaders of his properties and thereby make such reports to the police for the enforcement of the eviction orders. I reiterate that it would be impossible for the police to undertake such evictions considering that the Applicant's properties have various occupants some of whom are lawfully present on the said lands. It is therefore incumbent upon the Applicant to clearly identify the said invaders and trespassers and report them to the police for evictions to be effected.
47. I have reached the above conclusions bearing in mind the nature and extent of the Applicant's properties as was alluded to by Ibrahim J. (as he then was) in the Ruling reproduced elsewhere herein above. He stated thus:

“the suit properties are quite unique and the Applicant must accept and acknowledge that his properties are not the common agricultural farms that many farmers own all over the country. Due to the sheer size of the lands herein, there are bound to be problems and difficulties. The farm lands herein cut across locations and constitute a sizeable portion of Taita Taveta District.”

48. The Learned Judge accepted, as I do, the difficulties in enforcing any Court orders in such circumstances and the Application dated 21st November, 2011 cannot therefore be granted save to the extent of the orders I shall shortly make.

Conclusion

49. The protracted dispute regarding the Applicant's parcels of land in Taveta can only be concluded if all Parties involved, including the Applicant, agree to resolve it other than by protracted litigation. Why can't they all sit down, with their lawyers, and other players, like local politicians, and chat a way forward?
50. Ibrahim J., like myself, see practical difficulties in evictions without a plan that takes into account the reality on the ground. Yet the Applicant's right to use and dispose his property as he wishes

should never be taken for granted under any circumstances.

51. While the prayers in the Application before me may not therefore be granted, the orders I shall make below are designed to open up avenues for invaders and trespassers to be evicted as Ibrahim J. had intended and ordered.

Disposition

52. The following are therefore the Orders that I deem, from the foregoing, to be appropriate under **Article 23 (3)** of the **Constitution**:

- a. *Let the Applicant identify all such invaders and trespassers on all his properties in Taveta and report the same to the Officer Commanding Police Division Taveta District for action in the usual manner.*
- b. *The Officer Commanding Police Division Taveta District upon receiving such report do effect the Eviction Orders by ejecting such invaders and trespassers out of all the Applicant's properties in Taveta and specifically L.R Nos 6731 and 6732 in Taveta District.*
- c. *Let each party bear their own costs in regard to these two Applications.*

The Applications dated 3rd June, 2015 and 21st November, 2011 are determined in the above terms and a date for hearing of any other outstanding matters should be taken forthwith.

53. Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF MARCH, 2016

ISAAC LENAOLA

JUDGE

In the presence of:

Kazungu – Court clerk

Mr. Gichuhi for Petitioner

Miss Kamande for 1st – 3rd Respondents

No appearance for 3rd Respondent

Order

Ruling duly read.

ISAAC LENAOLA

JUDGE

Further Order

Mention on 8/4/2016.

Notice to issue.

ISAAC LENAOLA

JUDGE