



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ELC CASE NO 178 OF 2016**

IAN NYAGA MBURUGU.....1ST PLAINTIFF  
EUSTACE MURUNGI KIRIGARA.....2ND PLAINTIFF  
AILEEN MAITI STEPHEN .....3RD PLAINTIFF  
  
VERSUS  
  
JAMES KINYAMU .....1ST DEFENDANT  
ZAUVERIO RIUNGU STANLEY.....2ND DEFENDANT  
IRENE KAARIA.....3RD DEFENDANT

**R U L I N G**

1. This application is dated 1st November, 2016 and seeks orders that:-

***1. The Honourable Attorney General be granted leave to be joined in this suit as an interested party and appear for or on behalf of members of public so as to defend their interest as emanating herein.***

***2. The Court be pleased to grant the orders sought herein.***

***3. Costs of this application be in the cause.***

2. The application is supported by the Affidavit sworn by Elijah Kale, Assistant County Commissioner, Igoji West Ward in Meru County and has the following grounds:-

***1. THAT the Honourable Attorney General has a constitutional and legal mandate for the promotion, protection and the upholding of the rule of law and defend public interest.***

***2. THAT in the light of the said mandate, the Honourable Attorney General has a strong interest for and on behalf of the public in the subject of this suit.***

3. Mr. Kimathi for the Attorney General explained that the suit in which they are seeking to be enjoined evinces clear public concerns.

4. Mr. Wamache, the Advocate for the Plaintiffs told the Court that he was not opposed to the application.

5. Although the Defendants were not in Court, I find that the Hon. The Attorney General has

demonstrated that there are public interest concerns in this matter.

6. In the circumstances, this application is allowed.

7. Costs shall be in the cause.

8. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU, THIS 23RD DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-**

C.A James

Kimathi for the Interested Parties

Wamache for the Plaintiffs.

***P.M. NJOROGE***

**JUDGE**