



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**CONSTITUTIONAL PETITION NO 42B OF 2014**

**IN THE MATTER OF ALLEGED CONTRAVENTION AND INFRINGEMENT OF  
CONSTITUTIONAL RIGHTS UNDER ARTICLE 40, 50, OF THE CONSTITUTION OF KENYA**

**BETWEEN**

1. **GEORGE MAITI ATOBI.....1ST PETITIONER/APPLICANT**
2. **PETER MUGENDI..... 2ND PETITIONER/APPLICANT**
3. **JACOB MIONKI ITABARA.....3RD PETITIONER/APPLICANT**
4. **MITHIKA M'MUNGANIA .....4TH PETITIONER/APPLICANT**
5. **JEDIEL AKULA MIORO.....5TH PETITIONER/APPLICANT**
6. **JOSHUA BAARIU.....6TH PETITIONER/APPLICANT**
7. **MUNGATHIA MWIRICHIA.....7TH PETITIONER/APPLICANT**

**AND**

1. **EUNICE KAREMA KABERIA .....1ST RESPONDENT**
2. **MINISTER FOR TRADE AND COMMERCE**

**MERU COUNTY GOVERNMENT.....2ND RESPONDENT**

3. **THE GOVERNOR MERU COUNTY.....3RD RESPONDENT**
4. **HONOURABLE ATTORNEY GENERAL.....4TH RESPONDENT**

**RULING**

On 28/07/2015, the parties in this matter proffered a Consent which they wanted the Court to adopt as its order. The Consent is signed by Mr. Leonard K. Ondari for the Petitioners and by Mr. Thurania Atheru for the Respondents. The Consent is dated 28/07/2015. The Consent is in the following terms:-

***“By consent:***

1. ***The Petitioner's Applications dated 16th December 2014, and 29th June, 2015 both be dispensed with.***
2. ***The Respondents do cease any constructions on Muringene Ultra Modern Market and the garbage receptacle which is now on the 11th course forthwith pending the hearing and determination of this Petition.***

3. *The Petitioners do file written Submissions in respect of the Petition within 21 days.*
4. *The Respondents do file their written Submissions within 21 days of service by the Petitioners.*
5. *Matter be mentioned to confirm filing of submissions and further directions.*

The consent is adopted as an order of this Court.

It is so ordered.

Delivered in Open Court at Meru this **28th day of July, 2015** in the presence of:-

CC: Lilian

Leonard K. Ondari for the Petitioners

Thuranira Atheru for the Respondents.

**P.M.NJOROGE**

**JUDGE**