



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT ISIOLO

CONSTITUTIONAL PETITION NO. 008 OF 2021

GEORGE KARIITHI & 74 OTHERS.....PETITIONERS

VERSUS

DISTRICT SURVEYOR ISIOLO & 4 OTHERS.....RESPONDENTS

RULING

1. This application is dated 7th February, 2022 and seeks the following orders;

1. **THAT** this Honourable Court be pleased to grant leave to Counsel for the defendant to cease from acting for the 2nd defendant in this Suit for lack of proper instructions.
2. **THAT** this Honourable Court be pleased to order that any further communication in respect to the 2nd defendant concerning this Case be communicated to the defendant personally.
3. **THAT** the costs of this Application be paid by the defendant.

2. The application is supported by the affidavit of Kelvin Mutuma Mbaabu, the advocate for the 1st, 2nd and 3rd defendants and it has the follows grounds:

- a) **THAT** the defendant has failed to give us further instructions on the matter herein.
- b) **THAT** the defendant has also failed to facilitate our Firm to continue representing them herein.

3. When the application was heard interpartes, it was not opposed. The following orders are issued:

- a) ***The application is allowed.***
- b) ***The petitioners' advocates are directed to serve the orders issued by the court today upon the absent 1st, 2nd and 3rd defendants.***
- c) ***Costs shall be in the cause.***
- d) ***Directions on 30/5/2022.***

Ruling Written and Delivered in Open Court at Isiolo this 14th Day of March, 2022 in the Presence of:

Court Assistant: Balozi

Rhoda Maina for Petitioners

Nyamokeri h/b Ondieki for the 2nd, 3rd, 7th, 8th & 14th Petitioners

Kelvin Mbaabu – the applicant

Ashava h/b Carl Peters Mbaabu for the Interested Parties

HON. JUSTICE P. M. NJORGE

JUDGE