

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Petition 465 of 2012

BETWEEN

ELIZABETH NJERI HINGA PETITIONER

AND

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY 1ST RESPONDENT

DIRECTOR OF PUBLIC PROSECUTIONS 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

THE CHIEF MAGISTRATE'S COURT, KIBERA4TH RESPONDENT

RULING

This matter concerns certain enforcement proceedings by NEMA against the petitioner. The petitioner seeks to prohibit of criminal proceedings. The interested parties' are residents of the area affected by the conduct of the petitioner subject of the proceedings. In my view, the community interests are well represented by NEMA, the prosecuting authority. I am also of the view that joining the proposed interested party would obscure the real issues in the matter which deal with administrative and prosecutorial misconduct by NEMA and not the general property rights of the residents of the area. I therefore dismiss the proposed interested parties Chamber Summons dated 6th February 2013 with no order as to costs.

DATED and DELIVERED at NAIROBI this 8th March 2013

D.S. MAJANJA

JUDGE

ORDER –

- (1) Ruling read and delivered in open court.
- (2) Mention on 20.3.2013. Notice to issue.

D.S. MAJANJA

JUDGE

Mr Kago instructed by S. N. Gikera and Associates Advocates for the proposed interested party.