



**Kahoi v Kitema; Nairobi County Government (Intended Defendant) (Environment & Land Case 395 of 2015) [2022] KEELC 3612 (KLR) (12 May 2022) (Ruling)**

Neutral citation: [2022] KEELC 3612 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE 395 OF 2015**

**LN MBUGUA, J  
MAY 12, 2022**

**BETWEEN**

**NDUNG’U KAHOI ..... PLAINTIFF**

**AND**

**JOHNSON NGEMI KITEMA ..... DEFENDANT**

**AND**

**NAIROBI COUNTY GOVERNMENT ..... INTENDED DEFENDANT**

**RULING**

1. Before me is the application dated November 22, 2018 where the plaintiff seeks the following orders:
  - i. That this honourable court be pleased to set aside the order herein made on November 22, 2018.
  - ii. That this honourable court be pleased to enjoin the Nairobi County Government as the 2nd defendant herein.
  - iii. That this honourable court be pleased to order the said Nairobi County Government to supply the plaintiff/applicant documents of ownership touching the suite property, Plot No E 2007B situated in Dandora Phase 5.
  - iv. That the costs of this application be provided for.
2. Prayers 1 & 2 are spent, the same having been allowed on September 24, 2020.
3. The applicant avers that in line with article 35 of *the Constitution*, the court has power to order that the state supplies the applicant with the required documents as requested in prayer No. 3.



4. The applicant has not demonstrated the efforts they have made to get the relevant documents from the County Government and the request is rather general. The best route is for the applicant to deal with issue of documents during the pre-trial procedures of notice to produce, summons to a particular person to avail documents, etal.

5. As at now, I find that prayer 3 is not merited and is hereby dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF MAY, 2022 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Dominic Etaing holding brief for Kamau Kuria for the Plaintiff/Applicant

Otenyo for the 2nd Respondent

Court Assistant: June Nafula

