



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAKURU**

**Petition 38 of 2011**

**IN THE MATTERS OF ARTICLES 22 OF THE CONSTITUTION OF THE REPUBLIC OF KENYA**

**AND**

**IN THE MATTERS OF AN ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS AND FREEDOMS UNDER**

**ARTICLES 40, 42, 69, 70 OF THE CONSTITUTION, ARTICLE 12 OF THE INTERNATIONAL COVENANT OF SOCIAL**

**ECONOMIC AND CULTURAL RIGHTS AND THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT**

**BETWEEN**

**ERICK MOGIRE NYAKOGO.....1<sup>ST</sup>  
PETITIONER**

**RACHAEL OCHANDO.....2<sup>ND</sup>  
PETITIONER**

**JOSEPH OGEMBO.....3<sup>RD</sup>  
PETITIONER**

**JOEL NYANDIEKA.....4<sup>TH</sup>  
PETITIONER**

**JUSTUS GATECHA.....5<sup>TH</sup>  
PETITIONER**

**ABSALOM ODHIAMBO.....6<sup>TH</sup>  
PETITIONER.**

**SAMWEL KARANJA MBUTHI.....7<sup>TH</sup>  
PETITIONER**

HESBON IKALA.....8<sup>TH</sup>  
PETITIONER

VERSUS

MUNICIPAL COUNCIL OF NAKURU.....1<sup>ST</sup>  
RESPONDENT

THE HON. MINISTER FOR ENVIRONMENT & MINERAL RESOURCES.....2<sup>ND</sup>  
RESPONDENT

THE HON. ATTORNEY GENERAL.....3<sup>RD</sup>  
RESPONDENT

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY.....4<sup>TH</sup>  
RESPONDENT

**DIRECTIONS**

Apart from the 4<sup>th</sup> respondent who has filed grounds of opposition, the rest have not responded to the petition.

It is now directed that:

- i) those respondents who have not responded to file and serve their replies within 14 days;
- ii) pursuant to **Article 165(3)(b)** of the **Constitution**, parties to file/exchange written submissions within 21 days, with the petitioners doing so first, to demonstrate that the petition raises a substantial question of law that the petitioners' rights and fundamental freedoms have been violated or infringed by the respondents
- iii) Highlight of the submissions on 27.3.2012

**W. OUKO**  
**JUDGE**