



**Mohammed & 2 others v Chiwe & 4 others (Environment & Land  
Case 002 of 2021) [2022] KEELC 166 (KLR) (13 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 166 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND CASE 002 OF 2021**

**PM NJOROGE, J  
JUNE 13, 2022**

**BETWEEN**

**HADIJAH MOHAMMED ..... 1<sup>ST</sup> PLAINTIFF  
HALIMA DAFALA GOLE ..... 2<sup>ND</sup> PLAINTIFF  
ABDI DAMBALA ..... 3<sup>RD</sup> PLAINTIFF**

**AND**

**ADI JOHN CHIWE ..... 1<sup>ST</sup> DEFENDANT  
DAMBALA GUYO SOKE ..... 2<sup>ND</sup> DEFENDANT  
FATUMA HUSSEIN DAMBALA ..... 3<sup>RD</sup> DEFENDANT  
HAGE HUGO ..... 4<sup>TH</sup> DEFENDANT  
MOHAMMEN HUSSEIN DAMBALA ..... 5<sup>TH</sup> DEFENDANT**

**RULING**

1. The P.O in this matter is dated 13<sup>th</sup> December, 2021. It takes the following format:

Notice of Preliminary Objection

Take Notice that the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants shall at the hearing of Applicant’s Notice of Motion dated 29<sup>th</sup> November, 2021 and this suit raise a preliminary objection on points of law that this Honourable Court has no territorial jurisdiction to entertain and/or grant the orders sought and that the same should be struck out with costs to the Respondent on the following grounds;

1. That the application is nonstarter, vexatious and an abuse of court process and hence should be dismissed with costs in limine.



2. That this Honourable court to determine whether it has territorial and/or geographical jurisdiction to hear and determine this Application and suit as the subject land is in Moyale town within Marsabit County in the Republic of Kenya.
  3. That in the alternative to (1) above this court do transfer the same from Isiolo Environment and Land Court to Moyale Law courts in Moyale for hearing and determination.
  4. That in the alternative to (1) and (3) above this court do transfer the same from Isiolo Environment and Land Court to Marsabit Law Courts in Moyale for hearing and determination.
2. Both parties have filed submissions. There is, however, a contempt of court application dated 10/6/2022. It seems to me that to save the court time, both applications should be handled contemporaneously.
  3. The following orders are issued; -
    - a) Notice to be issued to the OCS, Moyale Police Station for him to personally come to court on 18/7/2022 to show cause why he has ignored this courts order issued on 2/12/2021 and the Notice to be copied to the OCPD/Commander, Moyale Sub – County.
    - b) The Plaintiff to file and serve written submissions concerning the contempt application dated 10/6/2022 within 14 days and the defendants to do so within 14 days after service of the Plaintiff's written submissions.
    - c) A ruling concerning the P.O dated 13/12/2021 will be delivered at a later date.
    - d) Parties to come to court for directions on 18/7/2022.

**WRITTEN AND DELIVERED IN OPEN AT ISIOLO THIS 13<sup>TH</sup> OF JUNE,2022.**

**In the Presence of:**

Court assistant: Balozi

Wageni for the Plaintiff's

Yusuf for the Defendants

**HONOURABLE JUSTICE P. M NJOROGE**

**JUDGE**

