



**Mwangombe & 8 others v Kenya Wildlife Services; Taita Hills and Salt Lick Wildlife Resort Limited (Applicant) (Environment & Land Case 106 of 2019) [2022] KEELC 13813 (KLR) (12 October 2022) (Ruling)**

Neutral citation: [2022] KEELC 13813 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
ENVIRONMENT & LAND CASE 106 OF 2019**

**M SILA, J  
OCTOBER 12, 2022**

**BETWEEN**

**JOSEPHAT MVOI MWANGOMBE & 8 OTHERS ..... PLAINTIFF**

**AND**

**KENYA WILDLIFE SERVICES ..... DEFENDANT**

**AND**

**TAITA HILLS AND SALT LICK WILDLIFE RESORT LIMITED ..... APPLICANT**

**RULING**

(Application by Taita Hills and Salt Lick Wildlife Resort Limited to be joined as interested party; application allowed)

1. This ruling is in respect of the application dated September 26, 2019, filed by Taita Hills and Salt Lick Wildlife Resort Limited. The application seeks orders for the applicant to be joined to this suit as interested party.
2. The background is that through a plaint filed on June 17, 2019, the plaintiffs sued Kenya Wildlife Services (KWS), complaining that KWS was erecting an electric fence in their parcels of land identified as Taita Taveta/Mwachabo Scheme/973, 1113, 1159, 1111, and 111. They described themselves as being members of the Alia Community and that this was their ancestral land. KWS responded to the suit, their position being that they were erecting the electric fence so as to forestall animal-wildlife conflict. They denied erecting the fence in the land of the plaintiffs. They contended that the fence was along Lualenyi Ranch and was to pass through Taita Hills/Salt Lick area (Taita Hills Wildlife Sanctuary) and Mngama Ridge, along their boundaries.
3. In this application, the applicant avers to be the registered owner of LR No 103007 commonly referred to as Taita Hills and Salt Lick Wildlife Sanctuary. It is stated that the fence in issue runs along the



boundary of this sanctuary. It is averred that the applicant holds crucial information that will assist the court to fully determine the matter.

4. The plaintiffs have opposed the motion through the replying affidavit of Herman Mwangemi Righa, the 5<sup>th</sup> plaintiff. He has deposed that the applicants are strangers to the suit and that they have not disclosed any interest or what they stand to lose or gain as they are not residents in occupation of any land affected. He avers that they have not given their title deeds so as to confirm their interest in the disputed land.
5. The defendant does not oppose the application.
6. I have considered the application alongside the submissions of Mr Karina, learned counsel for the applicants, and Mr Onkangi, learned counsel for the plaintiffs.
7. It is apparent that the electric fence in dispute runs along the boundary of the applicant's land. Although the plaintiffs allege in their reply that the applicant has not provided her land, the applicant actually has presented to be the owner of the land parcel LR No 103007. The applicant will be directly affected by any order that this court will make regarding the electric fence as it passes along her boundary. She has a clear interest in the suit.
8. I therefore allow the application. I order that Taita Hills and Salt Lick Wildlife Resort Limited be joined to this suit as interested party. The applicant will be at liberty to present evidence and assist the court in arriving at a just decision.
9. I make no orders as to costs.
10. Orders accordingly.

**DATED AND DELIVERED THIS 12<sup>TH</sup> DAY OF OCTOBER 2022**

**JUSTICE MUNYAO SILA**

**JUDGE, ENVIRONMENT AND LAND COURT**

**Delivered in the presence of:-**

Mr Onkangi for the plaintiff.

Ms Lelu for the defendant.

N/A on part of M/s Ndegwa & Sitonik Advocates for the applicant.

Court Assistant – Wilson Rabong'o.

