



**Kagua & 2 others v County Government of Kajiado; Kanchori  
(Interested Party) (Environment and Land Case Civil Suit E008 of 2020)  
[2022] KEELC 14804 (KLR) (10 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 14804 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND CASE CIVIL SUIT E008 OF 2020  
MN GICHERU, J  
NOVEMBER 10, 2022**

**BETWEEN**

**MWAURA KAGUA ..... 1<sup>ST</sup> PLAINTIFF**

**GUMBA MWANIKI SAMMY NJENGA ..... 2<sup>ND</sup> PLAINTIFF**

**MANTA OLE LEPASO NAPPIRUS (SUING AS THE CHAIRMAN OF  
NORMONGI SELF HELP GROUP) ..... 3<sup>RD</sup> PLAINTIFF**

**AND**

**COUNTY GOVERNMENT OF KAJIADO ..... DEFENDANT**

**AND**

**LUPEMBE KANCHORI ..... INTERESTED PARTY**

**RULING**

1. This ruling is on the notice of motion dated April 7, 2022, which seeks one main prayer as follows.  
“That no party be it the plaintiffs the defendants and or the interested parties, their agents, servants or representatives should interfere with the suit property pending the hearing and determination of this suit”.
2. The said motion which is under article 50 of the *Constitution*, sections, 1A and 1B of the *Civil Procedure Act*, order 51 of the *Civil Procedure Rules* and all enabling provisions of the law is supported by three grounds, an affidavit and five annexures.
3. The gist of the entire application is that there is a dispute between the plaintiffs and the interested party over plot numbers 6 and 15 Workshop-Ilbisil T Center.



4. In his replying affidavit dated May 13, 2022, the second plaintiff denies disfiguring or developing his plot since filing the suit in year 2020.
5. I have carefully considered the application in its entirety including the affidavits, the grounds and the annexures.
6. I find that it is fair and just to order that neither the plaintiffs nor the defendants should develop the suit plots until this suit is heard and determined. Essentially therefore, I allow the interested party's notice of motion dated April 7, 2022.
7. Costs in the cause.

**DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 10<sup>TH</sup> DAY OF NOVEMBER, 2022.**

**M.N. GICHERU**

**JUDGE**

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**HON. JUSTICE M.N. GICHERU RULING ELC NO. E008/2020 1**

