



REPUBLIC OF KENYA



**Orodi & 11 others v Oyugi & 3 others; National Environmental  
Authority (Interested Party) (Environment & Land Petition  
7 of 2021) [2022] KEELC 15260 (KLR) (8 December 2022) (Ruling)**

Neutral citation: [2022] KEELC 15260 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT SIAAYA  
ENVIRONMENT & LAND PETITION 7 OF 2021  
AY KOROSS, J  
DECEMBER 8, 2022**

**BETWEEN**

**GEORGE OGAYO ORODI ..... 1<sup>ST</sup> PETITIONER  
MAURICE OCHOLA BABU ..... 2<sup>ND</sup> PETITIONER  
TITO ODINDO BABU ..... 3<sup>RD</sup> PETITIONER  
BENARD BABU ..... 4<sup>TH</sup> PETITIONER  
DAVID BABU ..... 5<sup>TH</sup> PETITIONER  
VITALIS OCHIENG ADIDA ..... 6<sup>TH</sup> PETITIONER  
CHARLES OMONDI OYAYA ..... 7<sup>TH</sup> PETITIONER  
MOSES OYAYA ..... 8<sup>TH</sup> PETITIONER  
ALFRED OGINGA OMITI ..... 9<sup>TH</sup> PETITIONER  
GEORGE ONDIKO ..... 10<sup>TH</sup> PETITIONER  
GEORGE AWINO ..... 11<sup>TH</sup> PETITIONER  
WILLIS OLOO ..... 12<sup>TH</sup> PETITIONER**

**AND**

**EMMANUEL OYIER OYUGI ..... 1<sup>ST</sup> RESPONDENT  
CABINET SECRETARY, MINING AND PETROLEUM ..... 2<sup>ND</sup> RESPONDENT  
ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT  
DIRECTOR OF MINES AND GEOLOGY ..... 4<sup>TH</sup> RESPONDENT**

**AND**



NATIONAL ENVIRONMENTAL AUTHORITY ..... INTERESTED PARTY

*(Originally Kisumu ELC Petition No. E002 of 2021)*

**RULING**

1. The petition that is the subject of this ruling was transferred from Kisumu ELC on October 28, 2021. Prior to its transfer, the court had directed parties to dispose of the petition by way of written submissions.
2. When this matter was scheduled for directions on September 20, 2022, the petitioners' counsel Mr Ochieng notified the court that he had filed his written submissions. Consequently, the court on October 4, 2022 directed counsel to serve all parties with a mention notice; which he did and the petition was reserved for judgment.
3. As the court was writing its judgment, it noted that some of the petitioners' documents were not legible and their submissions were missing from the court file.
4. Upon being contacted of these anomalies by the registry, the petitioners' counsel on diverse dates of November 5, 2022 and November 30, 2022, submitted the petitioner's written submissions and supplementary affidavit together with an email extract which demonstrated that these documents were remitted to the registry for purposes of filing on July 5, 2022.
5. Although there is evidence that the respondents were duly served on July 27, 2022 by the petitioners' counsel, it is unfortunate that by oversight, the registry never placed these documents in the court record. However, the issue of the illegible and unclear documents that were annexed to the petition have not been addressed by counsel more specifically the order that was issued by NEMA and the bundle of photographs.
6. In the circumstances, and, in exercise of its powers under sections 1A, 1B 1(a) and 3A of the Civil Procedure Act, this court issues the following disposal orders–
  - a. That judgment in this matter be and is hereby arrested pending remittance of clear and legible copies of documents by the petitioners within 14 days from today.
  - b. Mention to confirm compliance and take a judgment date on January 31, 2023.
  - c. Mention notice to be served on all the parties.
  - d. That there shall be no orders as to costs.
7. It is so ordered.

**DELIVERED AND DATED AT SIAYA THIS 8<sup>TH</sup> DAY OF DECEMBER 2022.**

**HON AY KOROSS**

**JUDGE**

**8/12/2022**

**JUDGMENT DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS VIDEO  
CONFERENCING PLATFORM IN OPEN COURT IN THE PRESENCE OF:**

**MR. OCHIENG FOR THE PETITIONER**



**N/A FOR THE RESPONDENTS**  
**COURT ASSISTANT: ISHMAEL ORWA**

