



**Kigio Group Company Limited v Kenya Electricity Transmission  
Company Limited & 3 others (Environment & Land Petition  
E002 of 2024) [2025] KEELC 4135 (KLR) (26 May 2025) (Directions)**

Neutral citation: [2025] KEELC 4135 (KLR)

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MURANGA**

**ENVIRONMENT & LAND PETITION E002 OF 2024**

**MN GICHERU, J**

**MAY 26, 2025**

**IN THE MATTER OF ARTICLES 10, 19, 20, 21,  
22, 23, 40, 47, 60 (1) (B), 64, 162 (2) AND 165 OF**

**THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF CONTRAVENTION, VIOLATION AND INFRINGEMENT IF**

**FUNDAMENTAL RIGHTS AND FREEDOMS  
UNDER ARTICLES 40, 47, 60 (1) (B) AND 64 OF**

**THE CONSTITUTION OF KENYA, 2010**

**IN THE MATTER OF CONTRAVENTION OF STATUTORY PROVISIONS OF SECTION 144**

**AND 148 OF THE LAND ACT, NO. 6 OF 2012**

**IN THE MATTER OF CONTRAVENTION OF STATUTORY PROVISIONS IN THE LAND**

**(ASSESSMENT OF JUST COMPENSATION RULES, 2017)**

**BETWEEN**

**KIGIO GROUP COMPANY LIMITED ..... PETITIONER**

**AND**

**KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED ... 1<sup>ST</sup>  
RESPONDENT**

**SMEC INTEVATE LIMITEDRNATIONAL PRI ..... 2<sup>ND</sup> RESPONDENT**

**ADANI ENERGY SOLUTIONS LIMITED ..... 3<sup>RD</sup> RESPONDENT**

**ATTORNEY-GENERAL ..... 4<sup>TH</sup> RESPONDENT**



## DIRECTIONS

1. Upon perusal of the record, I find that the Petitioner is currently enjoying conservatory orders which restrain the Respondents from trespassing, making a way leave , erecting structures or digging any foundation, surveying, deploying personnel and or conducting any activities on L.R. No. 10876/2, 10876/3 and 10876/4 Thika or in any other manner interfering with the Petitioner's quiet possession and title thereof.

Secondly, the Sub County Police Commander Gatanga (Kirwara Police Station) was directed to supervise and enforce the adherence, observance and implementation of the order granted by the Court.

2. The above orders were issued by this Court on 17-10-2024. Since then, the case has come up for mention on a number of occasions. The Respondents have taken the position that the suit has been overtaken by events because it is a matter of public notoriety that the project has been cancelled by the Government of Kenya. On the other hand, the petitioner has insisted that the project the subject matter of this dispute exists because there is no tangible evidence of its cancellation.
3. Since the two parties cannot agree, I have thought it prudent to give directions so that the petition is concluded and it does not keep pending.

Since the court cannot compel any party to file evidence that they do not have, or if they have it, they do not wish to file, I direct that the petition proceeds as it is. I will give the parties the option to choose whether to proceed by way of written submissions or call viva voce evidence. The bottom line though is that let the court determine the petition as it is but parties will also be given one final chance to file any further evidence that they may wish to.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 26<sup>TH</sup> MAY, 2025.**

**M. N. GICHERU**

**JUDGE**

Delivered online in the presence of:-

Court Assistant – Mwangi Njonjo

Petitioner's Counsel – Mr Mwaura

1<sup>st</sup> Respondent's Counsel – Mr Wachira

2<sup>nd</sup> Respondent's Counsel – Mr Deiya

3<sup>rd</sup> Respondent's Counsel

