



**Fresh N Nice Limited v County Government of Isiolo & 2 others; Ethics and Anti-Corruption Commission (Intended Interested Party) (Environment & Land Petition E003 of 2023) [2024] KEELC 585 (KLR) (12 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 585 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND PETITION E003 OF 2023  
PM NJOROGE, J  
FEBRUARY 12, 2024**

**BETWEEN**

**FRESH N NICE LIMITED ..... PETITIONER**

**AND**

**COUNTY GOVERNMENT OF ISIOLO ..... 1<sup>ST</sup> RESPONDENT**

**MINISTRY OF INVESTMENT, TRADE AND INDUSTRIAL  
IZATION ..... 2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**ETHICS AND ANTI-CORRUPTION COMMISSION .... INTENDED  
INTERESTED PARTY**

**RULING**

1. This application is dated 5/2/2024 and seeks the following orders:
  - a. That due to the urgency of this motion, the same be certified as urgent and be admitted for hearing on a priority basis.
  - b. That the EACC be joined in these proceedings as an Interested Party or in any other capacity the court deems fit.
  - c. That EACC be dully served with all the pleadings in this Petition as soon as practicable.
  - d. That EACC be granted leave to file pleadings, affidavits and such other necessary documents in response to the Petition and the pleadings thereof on such terms as the Court may direct or order.



- e. Costs of this application be provided for.
2. The application is supported by Everline Odipe, an Officer of the Ethics and Anti Corruption Commission. The application has the following grounds:
1. That the intended interested party, EACC is a body corporate established under the provisions of Article 79 of the Constitution and Section 3 of the Ethics and Anti-Corruption Act, 2011 with the mandate to undertake investigation into any matter that raises suspicion that the offence of corruption , economic crime and defined under Anti-Corruption and Economic Crimes Act, 2003 (hereafter ACECA).
  2. That EACC is empowered by the provisions of Section 11(1) (j) of the Ethics and Anti-Corruption Commission Act, 2011 to institute and conduct proceedings in court for purposes of the recovery of public property, or for the freeze or confiscation of proceeds of corruption or relate to corruption or the payment of compensation.
  3. That EACC commenced investigations in October, 2017 which revealed that indeed prison farm land, a public land had been irregularly allocated to private companies. Investigations found out that LR No 7918/735 had been irregularly hived off the prison farm land and registered in the name Fresh N Nice Limited the Petitioner herein.
  4. That on 8<sup>th</sup> December, 2021 the Commission filed a recovery suit, Isiolo ELC Suit Number E004 of 2021 against the Petitioner seeking to recover the above stated parcels which is still active a pending before this Honourable Court.
  5. That the Petitioner seeks substantive and final orders on the question of who is the lawful owner of land reference number 7918/735 a question pending in court in Isiolo ELC Suit Number E004 of 2021.
  6. That vide a ruling dated 12<sup>th</sup> June, 2023 this Honourable Court granted orders of inhibition, inhibiting any registration of any dealing on Land Parcel Number LR 7918/735 pending hearing and determination of the said suit.
  7. The EACC is therefore desirous of joining this suit as the outcome thereof will impact on the matter pending in court thus render the suit an academic exercise.
  8. There is therefore a need to enjoin EACC to these proceedings as it is desirous of filing relevant proceedings with a view to assisting this Honourable Court to effectually and completely adjudicate upon and settle all questions arising in the petition.
  9. In the circumstances, it is only fair and just that EACC be joined in these proceedings as an Interested Party or in any other capacity the court deems fit.
  10. That the rights and interests of the Parties to the Petition will not be adversely affected if EACC is enjoined in this suit.
3. The application is certified urgent.
4. Prayers b, c and d in the application are granted.
5. The orders issued by the court to be served upon the respondents within 10 days of today.
6. Costs shall be in the cause.
7. Directions on 4/3/2024.



**DELIVERED IN CHAMBERS AT ISIOLO THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2024 IN THE PRESENCE OF;**

**HON. P.M NJOROGE**

**JUDGE**

Court Assistant: Rahma

