



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KITALE

ELC NO. 4 OF 2021

GEORGE HOPF.....PETITIONER

VERSUS

THE DIRECTOR OF SURVEY.....1ST RESPONDENT

THE CABINET SECRETARY

MINISTRY OF LANDS AND PHYSICAL PLANNING.....2ND RESPONDENT

THE HON. ATTORNEY GENERAL.....3RD RESPONDENT

RULING

1. By a Notice of Motion dated 20/1/2021 and filed in court on the same date bought under **Sections 24(b), 25(1), (b) and 36(1)** of the **Land Registration Act, Cap No. 2 of 2012, Section 13(7) (a)** of the **Environment and Land Court Act, Act No. 19 of 2011, Section 63** of the **Civil Procedure Act Cap 21 Laws of Kenya and Order 40 Rule 1** of the **Civil Procedure Rules** the applicant seeks the following orders:-

(1) ...spent

(2) ...spent

(3) ...spent

(4) ...spent

(5) That pending the hearing and determination of the suit herein the honourable court be pleased to issue interim injunctive orders against the respondents herein from interfering surveying, subdividing, alienating or preparing survey plans and maps and/or in any way dealing either by themselves, their agents, employees and/or assigns with the suit property LR. No. 2073/23.

(6) That pending the hearing and determination of the suit herein this honourable court be pleased to issue temporary injunctive orders against the 1st respondent, his agents, assigns, employees and/or anyone acting on their behalf from entering and/or in any way interfering with the suit property LR. No. 2073/23.

(7) That costs of this application be borne by the respondents.

2. The application is supported by the affidavit of the applicant sworn on 20/1/2021.

3. None of the parties filed their submissions on the application despite a court order to that effect. No other manner of disposal of the application having been available to the parties, this court has no alternative but to deem the application dated **20th January 2021** as unprosecuted. I therefore dismiss the said application for want of prosecution. For the avoidance of doubt all the interim orders issued by this court on the **21st January 2021** are hereby vacated.

It is so ordered.

Dated, signed and delivered at Kitale via electronic mail on this 3rd day of March, 2021.

MWANGI NJORGE

JUDGE, ELC, KITALE.