



Mangi v Director of Land Adjudication and Settlement & another; Green & another (Interested Parties); Mugeru (Contemnor) (Environment & Land Case 25 of 2018) [2024] KEELC 6547 (KLR) (3 October 2024) (Ruling)

Neutral citation: [2024] KEELC 6547 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT & LAND CASE 25 OF 2018
FM NJOROGE, J
OCTOBER 3, 2024**

BETWEEN

JOE KAZUNGU YAA MANGI PLAINTIFF

AND

**DIRECTOR OF LAND ADJUDICATION AND SETTLEMENT 1ST
DEFENDANT**

LAND REGISTRAR 2ND DEFENDANT

AND

DAVID RODNEY GREEN INTERESTED PARTY

DEBORAH JANE GREEN INTERESTED PARTY

AND

MR EDWIN MUGERA CONTEMNOR

RULING

1. This court has considered the proceedings of 26/9/2024 in this matter and in particular, the agreement entered into by the parties to the committal proceedings herein to the effect that if the court pleases, the contemnor ought to be discharged. This court has come to the conclusion that the agreement has come too late in the day when the conviction of the contemnor has occurred. However, it also notes an extenuating factor, namely, that the agreement is being made when the contemnor has filed a motion dated 15th May 2024 seeking orders setting aside the decision that found him in contempt. The proposed setting aside is premised on claims that neither the Attorney General's Office nor the contemnor was served with the application and orders on which it was based. The agreement between the parties thus if acceded to by this court will render that application as overtaken by events. The



last event before that application had been the scheduling of the matter for the sentencing of the contemnor which was at the discretion of this court. Bearing in mind the agreement between the parties and the fact that the eventual fate of the application dated 15/5/2024 shall never be known as the same has not been tried on its merits, this court is of the view that it should agree with the parties and discharge the contemnor. Consequently, I hereby discharge the contemnor, Mr Edwin Mugeru with a warning as he remains a public officer, of the importance of complying with court orders as long as they have not been set aside, and warns him of the serious consequences attendant to default, which may include the loss of liberty or sequestration of his property. He is hereby discharged and is a free man. Consequently, the application dated 15/5/2024 is hereby marked as overtaken by events.

RULING DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 3RD DAY OF OCTOBER 2024.

MWANGI NJOROGI

JUDGE, ELC MALINDI

