



**Kenya African National Union v Lughanje & 6 others (Environment & Land  
Case 102 of 2018) [2023] KEELC 18855 (KLR) (11 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18855 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT & LAND CASE 102 OF 2018  
EK MAKORI, J  
JULY 11, 2023**

**BETWEEN**

**KENYA AFRICAN NATIONAL UNION ..... PLAINTIFF**

**AND**

**EMMANUEL ZIRO LUGHANJE ..... 1<sup>ST</sup> DEFENDANT**

**FRANCIS CHENGO NGOWA ..... 2<sup>ND</sup> DEFENDANT**

**JAMES CHEMBE ..... 3<sup>RD</sup> DEFENDANT**

**ANDREW MATTAZA ..... 4<sup>TH</sup> DEFENDANT**

**JEREMIAH MANGARO ..... 5<sup>TH</sup> DEFENDANT**

**JIMMY KABWERE WANJE ..... 6<sup>TH</sup> DEFENDANT**

**RIZIKI BAYA THOYA ..... 7<sup>TH</sup> DEFENDANT**

**RULING**

1. The orders dated October 8, 2019- Olola J. were as follows:
  1. ....
  2. That the rent payable regarding the suit premise be continued to be paid to the Plaintiff through its Malindi Branch Offices pending the hearing and determination of this suit.
2. The Contemnor admits since the orders were made, he has been receiving rent from a tenant whose rent ought to be paid to the Plaintiff.
3. To purge the contempt, the court directs the contemnor to pay all the rent so far received from the tenant - that is from October 8, 2019 and deposit the same in the Plaintiff's Malindi Branch Office within 14 days hereof. Moreover, not to receive any other rent until this matter is heard and determined.



Failure to do so, the contemnor to appear before this court on July 27, 2023, to be committed to civil jail for six months for disobeying lawful orders.

4. Orders accordingly.

**DATED, SIGNED, AND DELIVERED AT MALINDI VIRTUALLY IN OPEN COURT ON THIS  
11TH DAY OF JULY 2023**

**E.K. MAKORI**

**JUDGE**

**In the presence of:**

**Mr. Kandia for the Plaintiff**

**Court Clerk: Happy**

**In the Absence of:**

**Mr. Omwancha for the 1st Defendant.**

