



Pius & 2 others (Suing for and on behalf of twenty-eight members of Barechu Self Help Group) v China State Construction Engineering Corporation (K) Limited & another; County Government of Isiolo (Interested Party) (Environment and Land Appeal E001 of 2023) [2023] KEELC 18773 (KLR) (10 July 2023) (Ruling)

Neutral citation: [2023] KEELC 18773 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL E001 OF 2023**

**PM NJOROGE, J
JULY 10, 2023**

BETWEEN

**KAMAIS PIUS 1ST PLAINTIFF
GUYO WAKO 2ND PLAINTIFF
SHINDA BORU 3RD PLAINTIFF
SUING FOR AND ON BEHALF OF TWENTY-EIGHT MEMBERS OF
BARECHU SELF HELP GROUP**

AND

**CHINA STATE CONSTRUCTION ENGINEERING CORPORATION (K)
LIMITED 1ST DEFENDANT
KENYA NATIONAL HIGHWAY AUTHORITY 2ND DEFENDANT**

AND

COUNTY GOVERNMENT OF ISIOLO INTERESTED PARTY

RULING

1. This application is dated 22nd May, 2023. It seeks the following orders;
 1. That this application be certified urgent and service be dispensed with the first instance.
 2. That this Honourable Court be pleased to enjoin the County Government of Isiolo as an Intended Interested Party to these proceedings.



3. That pending the hearing and determination of the suit herein, this Honourable Court be pleased to review, vary, set aside and or vacate the orders of the court issued on the 19th April, 2023 as the same were issued without the knowledge, participation and involvement of the Intended Interested Party.
4. That costs be in the cause.
5. Any other relief that this court will be pleased to issue in the circumstances.
2. The application is supported by the affidavit of Hashim Mohammed and has the following grounds;
 - a. That the subject of this suit forming the bone of contention is located within the County Government of Isiolo.
 - b. That the Intended Interested Party is the custodian of all documents pertaining to the suit land.
 - c. That all the information touching on and or relating to the subject matter of this suit is held by the Intended Interested Party.
 - d. That the Intended Interested Party's Presence and participation will enable this Honourable Court to resolve and conclude the dispute.
 - e. That the joinder of the Intended Interested Party will not vex or convolute the proceedings with unnecessary new matters and grounds not contemplated by the parties.
 - f. That it is therefore prudent that the Intended Interested Party is made a party to the suit as the custodian of the records pertaining to the suit land having greater stake in the matter in question.
 - g. That it is therefore in public interest that the instant application is allowed in the manner prayed. Allowing the participation of the Intended Interested Party will be of great assistance to the Court and will not in any manner prejudice any of the parties herein.
3. On 10/7/2023, parties present agreed that the application to enjoin Isiolo County Government ought to be allowed as the County Government of Isiolo, the proposed Interested Party was crucial in the determination of the issues involved.
4. In the circumstances prayer 2 to enjoin the County Government of Isiolo Only is granted.
5. Prayer 3 is denied.
6. Costs shall be in the cause.

DELIVERED IN OPEN COURT AT ISIOLO THIS 10TH DAY OF JULY, 2023 IN THE PRESENCE OF;

Court Assistant: Balozi

Miss Mbogo holding brief for Nadi Boru for the Intended Interested Party.

Abdullahi for the 3rd Defendant.

HON. JUSTICE P.M NJOROGE



JUDGE

