



**Board of Management St. Catherine Primary and Technical/Vocational Institution
for Mentally Handicapped & another v Kenya Highway Authority (Kenha) & another
(Judicial Review 2 of 2020) [2022] KEELC 2532 (KLR) (7 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 2532 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT BUSIA
JUDICIAL REVIEW 2 OF 2020**

AA OMOLLO, J

JULY 7, 2022

BETWEEN

**BOARD OF MANAGEMENT ST. CATHERINE PRIMARY
AND TECHNICAL/VOCATIONAL INSTITUTION FOR MENTALLY
HANDICAPPED 1ST APPLICANT**

**REGISTERED TRUSTEES DIOCESE OF BUNGOMA-BUTULA CATHOLIC
CHURCH 2ND APPLICANT**

AND

KENYA HIGHWAY AUTHORITY (KENHA) 1ST RESPONDENT

NATIONAL LAND COMMISSION 2ND RESPONDENT

RULING

1. The application dated 14/6/2022 coming up for hearing today the 6th of July 2022. There is no appearance for the Respondents in the application.
2. The affidavit of service on record deposed by Joseph Orata Okweyu states that the Respondents were served on 16th and 17th of June 2022. Annexed to the affidavit of service is a copy of certificate of urgency and notice of motion application bearing received stamps by each of the Respondents.
3. I have also considered the grounds upon which the application is premised and is persuaded the reasons are well grounded on facts thus merited.
4. The application is unopposed and the grounds upon which it is premised are meritable.
5. Consequently, I find that the Applicant has demonstrated that the two Respondents are jointly and severally in contempt of the decree of this Court issued on 16/12/2021. Accordingly prayer (2) and (4) of the motion is granted.



6. I direct that the Respondents officers named in the application be served with notice to show cause to this Court on why they cannot be committed to civil jail for a period of 6 months. On this date if no cause is shown, they will be sentenced accordingly.
7. The costs of the application is also awarded to the Applicants.

DATED, SIGNED & DELIVERED AT BUSIA THIS 7TH DAY OF JULY, 2022.

A. OMOLLO

JUDGE

