

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC JUDICIAL REVIEW NO. E003 OF 2021

REPUBLICAPPLICANT

VERSUS

DISTRICT LAND ADJUDICATION &

SETTLEMENT OFFICER TIGANIA EAST.....RESPONDENT

GRACE KATHEA TIRITIMI.....INTERESTED PARTY

MILTON GITEYE KARWAMBA1ST EX-PARTE APPLICANT

FLORAH CIACEREU.....2ND EX-PARTE APPLICANT

JUDGMENT

1. Before the court is an application dated **3.3.2021** seeking to vacate the orders made on **4.2.2021**. It is submitted no notice of motion was filed as ordered within 21 days or at all hence no judicial review proceedings are subsisting.
2. Secondly it is submitted that once the orders of stay were granted, the ex-parte applicants have never attended court to have the matter disposed of one way or the other.
3. The court has gone through the court record. It is clear the order granted on **4th February, 2021** was extracted and issued on **11.2.2021**. **Order 53 rule 3** provides the notice of motion be filed within 21 days which timelines must be adhered to. There is no reply to the motion herein and no explanation or an application to extend time during which to file substantive motion has been filed.
4. Consequently I proceed to allow the motion dated 3.3.2021. The leave granted to act as stay is hereby vacated.
5. Costs to the interested party. File marked as closed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 1ST DAY OF NOVEMBER, 2021

IN PRESENCE OF:

C.P. MBAABU FOR INTERESTED PARTY

A.G. FOR RESPONDENT – ABSENT

EXPARTE APPLICANTS IN PERSON

HON. C.K. NZILI

ELC JUDGE