



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT KISUMU**

**ELC CASE NO. 10 OF 2021**

**COPANA LIMITED.....PLAINTIFF**

**-VERSUS-**

**KISUMU CITY BOARD.....1<sup>ST</sup> DEFENDANT**

**COUNTY GOVERNMENT OF KISUMU.....2<sup>ND</sup> DEFENDANT**

**RAOL INVESTMENT.....3<sup>RD</sup> DEFENDANT**

**RULING**

This matter came for hearing on 11/02/2021 in the presence of Mr. Odeny learned counsel for Plaintiff and M/s Awuor learned counsel for the 1<sup>st</sup> and 2<sup>nd</sup> Defendants. The court ordered that the respondents do file and serve the replying affidavit within 14 days. I have not seen the same and therefore I do find that the allegation by the plaintiff in the notice of motion dated 8/2/2021 are not controverted. I do find that the plaintiff has demonstrated that he has a prima facie case with a likelihood of success as he is the registered proprietor of the suit land. Moreover, if the structures on the suit land are destroyed, the plaintiff will suffer irreparable damage. I do grant prayers 4 and 5 of the notice of motion dated 8/2/2021. Costs in the cause.

Orders accordingly.

**DATED AT KISUMU THIS 13<sup>TH</sup> DAY OF MAY, 2021**

**ANTONY OMBWAYO**

**JUDGE**

This Ruling has been delivered to the parties by electronic mail due to measures restricting court operations due to the COVID-19 pandemic and in the light of the directions issued by his Lordship, the Chief Justice on 15<sup>th</sup> March 2019.

**ANTONY OMBWAYO**

**JUDGE**