



REPUBLIC OF KENYA



**Chamao & 4 others v National Assembly of Kenya & 7 others (Petition E423 of 2024)  
[2025] KEHC 7963 (KLR) (Constitutional and Human Rights) (5 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 7963 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CONSTITUTIONAL AND HUMAN RIGHTS**

**PETITION E423 OF 2024**

**LN MUGAMBI, J**

**JUNE 5, 2025**

**BETWEEN**

**ISSA ELANYI CHAMAO ..... 1<sup>ST</sup> PETITIONER  
PATRICK KARANI EKIRAPA ..... 2<sup>ND</sup> PETITIONER  
PAUL NGWENYWO KIRUI ..... 3<sup>RD</sup> PETITIONER  
INTERNATIONAL LEGAL CONSULTANCY GROUP LTD .... 4<sup>TH</sup> PETITIONER  
COUNCIL OF COUNTY GOVERNORS ..... 5<sup>TH</sup> PETITIONER**

**AND**

**THE NATIONAL ASSEMBLY OF KENYA ..... 1<sup>ST</sup> RESPONDENT  
KENYA ROADS BOARD ..... 2<sup>ND</sup> RESPONDENT  
CABINET SECRETARY, NATIONAL TREASURY AND ECONOMIC  
PLANNING ..... 3<sup>RD</sup> RESPONDENT  
CABINET SECRETARY, ROADS & TRANSPORT ..... 4<sup>TH</sup> RESPONDENT  
MINISTRY OF ROADS & TRANSPORTS ..... 5<sup>TH</sup> RESPONDENT  
KENYA URBAN ROADS AUTHORITY ..... 6<sup>TH</sup> RESPONDENT  
KENYA RURAL ROADS AUTHORITY ..... 7<sup>TH</sup> RESPONDENT  
ATTORNEY GENERAL ..... 8<sup>TH</sup> RESPONDENT**



## RULING

1. I have carefully listened to the respective advocates for the parties in oral application of stay of the judgment, and on this I am persuaded that to ensure that the operations of Kenya Roads Board are not crippled by the declaration of unconstitutionality, pending any corrective action of the defects highlighted by the court in the Judgment, the declaration of unconstitutionality strictly in relation to Order (a) and (b) of the Judgment only be granted for 14 days.
2. The suspension of declaration of unconstitutionality is thus limited to the following orders:
  - a. The declaration that the classification of Roads as National Roads, Rural Roads and Urban Roads under Section 47 of *Kenya Roads Act* No 2 of 2007 is unconstitutional for violating Article 186 and Section 18 of the Part I of Fourth Schedule of the *Constitution*.
  - b. The declaration that Section 6 of the *Kenya Roads Board Act*, 1999 is unconstitutional for violating Section 18 of Part I of Fourth Schedule of Constitution.
3. Any other order not expressly granted is declined.
4. The temporary stay shall last only for 14 days in respect of Order (a) and (b) of the Judgment.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 5TH DAY OF JUNE, 2025.**

.....

**L N MUGAMBI**

**JUDGE**

