



**REPUBLIC OF KENYA**

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

**ELC. CASE NO. 38 OF 2020**

**PAUL ODHIAMBO JARAMBA.....1<sup>ST</sup> APPLICANT**

**DANIEL NYERERE KOCHELE.....2<sup>ND</sup> APPLICANT**

**MARION ATIENO OJIEM.....3<sup>RD</sup> APPLICANT**

**VERSUS**

**KENYA INFORMAL SETTLEMENTS**

**IMPROVEMENT PROJECT (KISSIP).....1<sup>ST</sup> RESPONDENT**

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

**COMMISSIONER FOR LANDS.....3<sup>RD</sup> RESPONDENT**

**DIRECTOR OF SURVEYS OF KENYA.....4<sup>TH</sup> RESPONDENT**

**HON. ATTORNEY GENERAL.....5<sup>TH</sup> RESPONDENT**

**ETHICS AND ANTI-CORRUPTION**

**COMMISSION.....6<sup>TH</sup> RESPONDENT**

**RULING**

On the 4/6/2020, this court made an order that the application dated 12/3/2020 be served within 3 days and that the Respondents were to file and serve a reply within 7 days of service. The Applicants were to file a supplementary affidavit with submissions within 7 days of service. The Respondents were file submissions within 7 days of service. The ruling was reserved to be delivered on notice. It appears that the directions were not complied with. There is no affidavit of service on record and are no replying affidavits for the 1<sup>st</sup> – 5<sup>th</sup> Respondents, save the 6<sup>th</sup> Respondent. I have considered the application and do find that it lacks merit as it is not premised on any suit known in law. There is neither a plaint nor a petition lodged with the application. Moreover, failure to serve to 1<sup>st</sup> to 5<sup>th</sup> Respondents is an abuse of the process of court. The application dated 12/3/2020 is dismissed with costs.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19<sup>th</sup> DAY OF NOVEMBER, 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 2020.*

**ANTONY OMBWAYO**

**JUDGE**