



**REPUBLIC OF KENYA**

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

**PETITION. E004 OF 2021**

JOSEPH LORUNYEI KUWAM.....1<sup>ST</sup> PETITIONER

JOHN OYAN LUSUSRU.....2<sup>ND</sup> PETITIONER

JOYCE NAIREZIA LESEGI.....3<sup>RD</sup> PETITIONER

KURESHA BILLE MOHAMED.....4<sup>TH</sup> PETITIONER

MARY KEPEN MBATIA.....5<sup>TH</sup> PETITIONER

JOSEPH MTWANJA.....6<sup>TH</sup> PETITIONER

**VERSUS**

THE CABINET SEC. MIN. OF DEFENCE

REPUBLIC OF KENYA.....1<sup>ST</sup> RESPONDENT

THE CABINET SECRETARY, MIN. OF INTERIOR

& CO-ORDINATION OF NATIONAL GOVERNMENT.....2<sup>ND</sup> RESPONDENT

THE CABINET SEC. MIN. OF LANDS.....3<sup>RD</sup> RESPONDENT

THE COUNTY COMMISSIONER ISIOLO COUNTY.....4<sup>TH</sup> RESPONDENT

THE COUNTY GOVERNMENT OF ISIOLO.....5<sup>TH</sup> RESPONDENT

THE ATTORNEY GENERAL.....6<sup>TH</sup> DEFENDANT

**RULING**

1. Today, 20/12/2021, Mr. Abubakar for the petitioners told the court that the Ministry of Defence and particularly the KDF were ignoring orders of Status Quo issued by the Hon. Lady Justice Lucy Mbugua at Meru on 7/10/2019 and reaffirmed on 19/5/2021.
2. The court orally advised Mr. Abubakar, the petitioners’ advocate, to formally file a contempt application against the alleged contemnors so that the issue can properly be canvassed.
3. Once again it is unfortunate that some of the parties in this suit did not come to court even though they were aware of today’s date. I observe that it is becoming quite common for the AG’s representatives and the National Land Commission to skip hearing dates or dates for directions. This reprehensive behaviour is hereby deprecated.
4. I issue the following orders:

**a) Orders for status quo issued by Lady Justice Lucy Mbugua at Meru on 7/10/2019 and reaffirmed on 19/5/2021 are hereby further reaffirmed and the parties are ordered to maintain status quo as envisaged by the orders issued by the Hon. Lady Justice Lucy Mbugua.**

**b) The petitioners' advocate is directed to serve the orders issued by the court today upon all absent parties within 14 days of today**

**c) All respondents and the interested parties are granted 30 days to concurrently file and exchange their responses to the petition and liberal leave to further respond as and if necessary, is hereby**

**d) With the concurrence of the advocates present in court today, parties will come to court for directions on 28/2/2022**

**WRITTEN AND DELIVERED IN OPEN COURT AT ISIOLO THIS 20<sup>TH</sup> DAY OF DECEMBER, 2021 IN THE PRESENCE OF:**

**Court Assistant: Denge**

Abubakar for the Petitioners

Captain Tororey for the 1<sup>st</sup> respondent

Ken Muriuki for the 5<sup>th</sup> respondent.

**HON JSUTICE P. M. NJOROGI**

**ELC, JUDGE, ISIOLO**