

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT BUNGOMA

ELC MISCELLANEOUS APPLICATION NO. 18 OF 2021

JOHN WEKESA KHAOYA (CHIEF EXECUTIVE OFFICER

CENTRE FOR HUMAN RIGHTS ORGANIZATION).....APPLICANT

VERSUS

HIS EXCELLENCY WYCLIFFE WAFULA WANGAMATI

(THE GOVERNOR BUNGOMA COUNTY).....1ST DEFENDANT

15th December 2021

Coram: Hon. Boaz N. Olao JUDGE

Court Assistant: Lusweti

Language: Kiswahili/English

ORDER

I have perused the Notice of Motion dated 3rd December 2021 and filed on 8th December 2021 under Certificate of Urgency.

My understanding of the supporting affidavit is that what the Applicant will be seeking in his substantive application will essentially be an order directed at the Governor Bungoma County to make available for public scrutiny *“the report handed in by the Land Inventory team to the Community of Bungoma County to protect the Provisions of Article 3(1) of the Constitution of Kenya 2010.”* This is as per paragraph 7 of the Applicant’s supporting affidavit.

That cannot be a matter falling under the jurisdiction of this Court as provided under **Section 13** of the **Environment and Land Court Act**. It is a dispute over whether or not the Governor should be made to avail a report. Although the word *“land”* is referred to in the affidavit, this is not really one of those *“disputes relating to environment and land”* which this Court is mandated to determine by **Section 13** of the said Act.

However, rather than striking the application out, I direct that it be transferred to the High and be placed before **KEMEI J** for further directions.

Orders accordingly.

BOAZ N. OLAO.

J U D G E

15th December 2021.