

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KISUMU

ELC NO. 13 OF 2015

MICHAEL OTIENO WAGUDE.....PLAINTIFF

VERSUS

MORRIS OLWAL.....DEFENDANT

RULING

The application before me is dated 30/7/19. The applicant seeks Police Security to take full possession of the suit land by evicting the respondent and demolishing the structures therein. The application is based on grounds that there is judgement against the defendant/respondent. The court ordered that he be evicted and committed to jail but has not complied with court order. The defendant's/respondent's response is that he has been unwell and that he was served in prison.

I have considered the application and do find that it is merited as there is a judgment and a decree. No appeal has been preferred. I do order that the O.C.S Kisumu Police Station or any other police station to provide security to the applicant to take full possession of the suit parcel of land and to fence the same and remove all illegal structures. Costs of the application the applicant. Orders accordingly.

A.O. OMBWAYO

ENVIRONMENT & LAND

JUDGE

DATED AND DELIVERED THIS 29th DAY OF JANUARY, 2020.

In the presence of:

M/S NANUNJI FOR APPLICANT

N/A FOR RESPONDENT

A. O. OMBWAYO

ENVIRONMENT & LAND

JUDGE