

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT BUNGOMA

PETITION NO. 5 OF 1999

FORMERLY KAKAMEGA 5 OF 2018

MUSA NDALIRO MUCHELULE & 5 OTHERS.....PETITIONERS

VERSUS

NATIONAL LAND COMMISSION & 2 OTHERS.....RESPONDENTS

R U L I N G

This Petition was transferred from **KAKAMEGA ELC** by **HON MATHEKA J** following an application by Counsel for the Petitioners that the Judge recuses herself.

It was placed before me on 8th October 2019 when I directed that it be mentioned on 14th November 2019 for further directions because I wasn't going to be available on 4th November 2019 as directed by **MATHEKA J**.

On 4th November 2019 **MR IMBENZI** for Petitioner appeared before the Deputy Registrar **HON MWENDA** and requested that this is "**a very sensitive matter**" and sought its transfer to **ELDORET ELC**. The Petitioners nonetheless went to the Registry and took a hearing date of 4th February 2020.

The Petitioners have the right to be heard by an independent and impartial Court as provided by **Article 50 of the Constitution**. They appear to doubt the impartiality of **MATHEKA J**. They also think that I cannot handle "**a very sensitive matter**" and should perhaps consider a career in the priesthood!! I don't know if that is a compliment.

However, as requested by Counsel for the Petitioners, this Petition is hereby transferred to **ELDORET ELC** where it shall be mentioned on 20th January 2020 for further directions as to hearing.

The Deputy Registrar to notify the parties accordingly.

Boaz N. Olao.

J U D G E

6th January 2020.