



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW MISC. APPLICATION NO. 107 OF 2020

BETWEEN

BRUNO ILLI.....1<sup>ST</sup> APPLICANT

BALIGA LIMITED.....2<sup>ND</sup> APPLICANT

DAVID MAMBO.....3<sup>RD</sup> APPLICANT

RAPHAEL NJUGUNA.....4<sup>TH</sup> APPLICANT

DANIEL KIARAHO.....5<sup>TH</sup> APPLICANT

VERSUS

THE DIRECTOR GENERAL, NATIONAL

ENVIRONMENT MANAGEMENT AUTHORITY.....1<sup>ST</sup> RESPONDENT

POWERCHINA INTERNATIONAL

GROUP LIMITED.....2<sup>ND</sup> RESPONDENT

FRED ARONYA.....3<sup>RD</sup> RESPONDENT

RULING

### Introduction

1. The application before the Court for hearing is the Applicants' Chamber Summons dated 20<sup>th</sup> May 2020, seeking leave to commence judicial review proceedings against the Respondents with respect to the 1<sup>st</sup> Respondent's Guidelines on the conduct of public participation for EIA, EA and SEA during the period of coronavirus (COVID-19). The Applicants grievance is with regards to the effect of the said Guidelines on their right to a clean and healthy environment.

2. I note that the Applicants pleadings indicate that this suit was to be filed in the Judicial Review Division of the Environment and Land Court, and was therefore erroneously filed in the Judicial Review Division of the High Court. In addition, the Applicants are seeking leave to bring judicial review proceedings in relation to the environment, which falls within the exclusive jurisdiction of the Environment and Land Court, pursuant to Articles 162(2) (b) and 165(5) of the Constitution, and section 13 of the Environment and Land Court Act.

### The Orders

1. In the premises I direct and order that this suit be and is hereby transferred to the Environment and Land Court at Nairobi for further hearing and determination. The Applicants' Chamber Summons dated 20<sup>th</sup> May 2020 shall accordingly be placed before the Duty Judge at the Environment and Land Court at Nairobi on 26<sup>th</sup> May 2020, for directions.

2. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the Applicants, and to the Deputy Registrar of the Environment and Land Court at Nairobi, by close of business on 21<sup>st</sup> May 2020.

3. Orders accordingly.

**DATED AND SIGNED AT NAIROBI THIS 20<sup>TH</sup> DAY OF MAY 2020**

**P. NYAMWEYA**

**JUDGE**