



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

CONSTITUTIONAL PETITION NO. 17 OF 2018

IN THE MATTER OF CONSTITUTION OF THE REPUBLIC OF KENYA AND

IN THE MATTER OF ARTICLES 1, 2, 3, 19(2), 20(5), 21, 22, 23, 26, 27, 28, 29, 40 AND 47 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES 1, 2, 3, 19(2), 20(5), 21, 22, 23, 26, 27, 28, 29, 40, 42 AND 47 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE LAND ACT 2012

AND

BETWEEN

SKAN COMMISSION AGENCIES LTD.....PETITIONER

VERSUS

THE MUKUYU-INI FARMERS CO. LTD.....1ST RESPONDENT

THE LAND REGISTRAR NAROK.....2ND RESPONDENT

ATTORNEY GENERAL.....3RD RESPONDENT

RULING

I have considered the notice of motion dated 17th October, 2018 together with the submissions filed and I find that the issues in contest can only be determined at a full hearing where witnesses are called and evidence on the transaction proceeding the suit herein conclusively canvassed. However, to protect the integrity of the proceedings herein and to preserve the suit land I thus order as follows: -

1. A temporary injunction is hereby issued restraining the respondents from interfering with the petitioners' members' possession of land parcel cis Mara/Olololunga/157 and 198 pending the hearing and determination of the petition herein.

As for the other prayers sought it is my finding that it is now premature to grant the said orders at the interlocutory stage and since the same relates to the production of documents by the land registrar and a visit to the suit land I direct the petitioners to make such appropriate application during the hearing of the substantive suit.

The costs of the application be in the cause.

DATED, SIGNED and DELIVERED in open court at NAROK on this 10TH day of FEBRUARY, 2020.

Mohammed Kullow

Judge

10/2/2020

In the presence of:

CA:Chuma/Kimiriny

Ms Kudate holding brief for Mugumya for the petitioners

Mr Langat for the 1st respondent

Mohammed Kullo

Judge

10/2/2020