



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

MERU ELC APPEAL CASE NO. 11 OF 2017

GERALD M'LINGERA M'IBUI.....APPELLANT

VERSUS

M'RUGI WA RUGOI.....1ST RESPONDENT

LAND ADJUDICATION & SETTLEMENT OFFICER TIGANTIA....2ND RESPONDENT

THE HON. THE ATTORNEY GENERAL.....3RD RESPONDENT

RULING

1. This application is dated **28th February, 2020** and was brought to court under Certificate of urgency. It seeks orders:-

1. That this application be certified as urgent and be heard ex-parte in the first instance.

2. That pending the hearing of this application this honourable court be pleased to make a temporary order of injunction restraining the 1st respondent by himself, his servants, and/or agents and members of his family from evicting, entering, or in any way interfering with the applicant's use and occupation of land parcel No. 4543 which was renamed to Tigania/Kianjai/5126 and Tigania/Kianjai 1/3390.

3. That pending the hearing and determination of this appeal this honourable court be pleased to issue an order of temporary injunction restraining the 1st respondent by himself, his servants, and/or agents and members of his family from evicting, entering, or in any way interfering with the applicant's use and occupation of land parcel No. 4543 which was renamed to Tigania/Kianjai/5126 and Tigania/Kianjai 1/3390.

4. That costs of this application be provided for.

2. The application is supported by the applicant's affidavit and has the following grounds:

a) That the land subject matter of this appeal is occupied by the applicant.

b) That during the pendency of the case before the lower court the court had ordered temporary injunction restraining the 1st respondent from constructing any manner of structures and/or carrying on any developments on the applicant's land.

c) That after the summary dismissal of the applicant's case the 1st respondent wants to evict the applicant forcibly and damage his property.

d) That the applicant remains unprotected although he has a good appeal.

e) That the intervention of the court is necessary so that the applicant's life and his property can be preserved and protected until the court is able to hear and determine the appeal.

3. At the ex-parte stage the applicant was not in court.

4. It is directed that the application be heard by the **Honourable Lady Justice Lucy Mbugua, ELC Judge, at Meru on 24th March, 2020.**

Delivered in open Court at Chuka this 11th day of March, 2020 in the presence of:

CA: Ndegwa

Parties not in court

P. M. NJOROGI,

JUDGE.