



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT BUNGOMA**

**ELC MISCELLENOUS APPLICATION NO. 7 OF 2020**

**FREDRICK WEKESA MACHASIO.....1<sup>ST</sup> APPLICANT**

**PATRICK WANJALA MACHASIO.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**THE ASSISTANT COUNTY COMMISSIONER WEBUYE.....1<sup>ST</sup> RESPONDENT**

**THE LAND REGISTRAR BUNGOMA.....2<sup>ND</sup> RESPONDENT**

**THE COUNTY SURVEYOR.....3<sup>RD</sup> RESPONDENT**

29<sup>th</sup> June 2020

Coram: B. N. Olao JUDGE

(in chambers)

**R U L I N G**

The Chamber Summons application dated 5<sup>th</sup> March 2020 was scheduled for hearing on 31<sup>st</sup> March 2020. It was however caught up in the lock – down that followed the onset of the **COVID – 19** pandemic. It has been brought up - to-day.

Having perused the same, I make the following orders: -

- 1. Leave is hereby granted to the Applicants to commence Judicial Review proceedings in terms of prayer NO 2 thereof.**
- 2. The leave shall operate as a stay of the cancellation of the titles NO NDIVISI/MUCHI/10442, 10443 and 10444 by the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents.**
- 3. The substantive application be filed and served upon the Respondents and any interested parties within 21 days from to-day.**
- 4. The Respondents and any interested parties shall have 14 days from the date of service upon them of the substantive Notice of Motion to file and serve their responses.**
- 5. Further directions as to mode of hearing shall be given on 21<sup>st</sup> September 2020.**

**Boaz N. Olao.**

**J U D G E**

**29<sup>th</sup> June 2020**