



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ENVIRONMENT AND LAND COURT**  
**MISC. APP. 18 OF 2015**

REPUBLIC .....APPLICANT

VERSUS

THE HON. ATTORNEY GENERAL.....1ST RESPONDENT

DISTRICT LAND ADJ & SETTLEMENT

OFFICER, IGEMBE.....2ND RESPONDENT

ADJ OFFICER, AMUNGENTI ADJ SECTION.....3RD RESPONDENT

**AND**

JOSHUA MURUNGI KIAMBATI

ANDREW KITHELA MWONGO

SILAS MURUNGI KIAMBATI

JOHN MWITHALI

AMOS THIRINYA

JAPHET MIRITI

SALESIO M'IKIRIMA

MARK KAUNGA MWAMBI.....EX-PARTE APPLICANTS

**RULING**

On 20:02:17, Mr. Murango for the Interested Party applied for the withdrawal of the Chamber Summons. Mr. Murango Mwenda did not object save to pray for costs.

A perusal of the Court's record indicate that the Chamber Summons was filed on 10:08:15. The prayers sought are in the realm of Judicial Review. The application was served hence the Reply by the Interested Party. It has been admitted by Mr. Murango that there is another suit. No. 10/07 filed by the applicant herein, a fact confirmed by the Interested Party in the Replying Affidavit.

It appears that applicant should not have brought this suit forth in the first place.

The Chamber Summons dated 24:07:15 and filed on 10:08:15 is hereby withdrawn with costs to the Interested Party.

**DELIVERED IN OPEN COURT AT MERU THIS 9<sup>TH</sup> DAY MARCH 2017**

**IN THE PRESENCE OF:-**

CA: Kananu

**L.N. MBUGUA**

**JUDGE**