



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KAKAMEGA**  
**MISC. CIVIL APPLICATION NO. 37 OF 2010 (JR)**

**REPUBLIC** .....  
**APPLICANT**

**VERSUS**

**COUNTY COUNCIL OF VIHIGA** ..... **RESPONDENT**

**AND**

**IBRAHIM ASSANKA MULOMA** ..... **INTERESTED PARTY**

**EVANS MUYESU LUMWAJI** ..... **EX-PARTE APPLICANT**

**DIRECTIONS**

1. On 25/03/2015 Mr. Kubebea appeared for the Interested Party herein whereas Mr. Kundu held brief for Mr. Musiega for the exparte Applicant. The Court was informed that parties had previously agreed and were directed to file written submissions to the Notice of Motion dated 16/10/2012 and since they had all complied, set the ruling thereof for 09/07/2015.
2. When the Court retired to consider the application, it found out that the subject matter involved the use, occupation and title to land hence pursuant to Article 162 (2) (b) of the Constitution, this Court lacks the jurisdiction to in anyway deal with this matter.
3. Consequently, it is hereby directed that the parties do appear before the Environment and Land Court on a date to be taken at the Registry. This court however remains apologetic to the parties for this further delay in the matter.

It is so directed.

**DELIVERED, DATED and SIGNED this 9th day of July, 2015**

**A.C. MRIMA**

**JUDGE**