



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

MERU ELC CASE NO. 163 OF 2014

FORMERLY NAIROBI ELC NO. 1330 OF 2014

MOHAMUD ILTARAKWA KOCHALE.....1ST PLAINTIFF
KOCHALE SOMO CHALE.....2ND PLAINTIFF
ISSA JITEWE GAMBARE.....3RD PLAINTIFF
DAVID TOMASOT ARAKHOLE.....4TH PLAINTIFF
WILLIAM LENGUYIAP.....5TH PLAINTIFF
SEKOTEY SEYE.....6TH PLAINTIFF

VERSUS

LAKE TURKANA WIND POWER LTD.....1ST DEFENDANT
MARSABIT COUNTY GOVERNMENT.....2ND DEFENDANT
THE ATTORNEY GENERAL.....3RD DEFENDANT
CHIEF LAND REGISTRAR.....4TH DEFENDANT
THE NATIONAL LAND COMMISSION.....5TH DEFENDANT
AARON ILTELE LESIANNTAM.....1ST INTERESTED PARTY
HENRY PARASIAN SAKALP.....2ND INTERESTED PARTY
STEPHEN NAKENO.....3RD INTERESTED PARTY
JOB LMALSIAN LENGUYA.....4TH INTERESTED PARTY
DAIR LENTIPAN.....5TH INTERESTED PARTY

(suing on behalf of the residents of Laisamis Constituency and Karare Ward Marsabit County)

RULING

This court has considered the applications by 1st defendants advocates for the plaintiffs' supplementary submissions filed on **2nd October, 2020** to be struck off the record on the basis that they were filed out of time and without leave of court. It was submitted that they were filed in contravention of the court's directions given on **21st January, 2020** whereby the plaintiffs were given 30 days within which to file and serve their written submissions whereas the defendants and the Interested Parties were granted 30 days upon service to file and serve theirs. It was further submitted that the 1st defendant would suffer prejudice since it was deprived of the opportunity to reply to the supplementary

submissions. The interested parties supported the 1st defendants' application and prayed that the same be struck out. The plaintiffs submitted that although they filed the supplementary submissions late that was the earliest opportunity they had because the last of the defendants' submissions were filed on **2nd October, 2020** by the 2nd defendant. They further submitted that the submissions they filed were merely a reply/response to the submissions by the defendants and the Interested Parties. The court has considered the submissions of the parties and the material on record and it is satisfied that the plaintiffs explanation is plausible and that the supplementary submissions are merely a response to the submissions filed by the defendants and the Interested Parties pursuant to their right of reply. Accordingly, the 1st defendant's objection is overruled and the plaintiffs' supplementary submissions filed on **2nd October, 2020** are deemed as properly on record.

Delivered at Meru this 5th day of October, 2020 in the presence of:

Court Assistant Wambui

Court Assistant James

Court Assistant Nduku

Sagana present for the plaintiffs

Miss Hashi present for the plaintiffs

Githu Gita, SC for 1st defendant

Wetangula, Wairoto, present for the 2nd defendant

Miss Baraku present for the 2nd defendant

AG for 3rd and 4th defendants

Miss Kungu h/b Miss Njuguna for the 5th defendant

Kiprop for the Interested Party

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P.M. NJOROGE [PJ] J.G. KEMEI, J, Y.M. ANGIMA, J,