



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT KITALE**

**ELC JR. NO. 2 OF 2020**

**REPUBLIC.....APPLICANT**

**VERSUS**

**COUNTY CRIMINAL INVESTIGATIONS**

**OFFICER WEST POKOT.....1<sup>ST</sup> RESPONDENT**

**DIRECTORATE OF CRIMINAL INVESTIGATIONS**

**WEST POKOT COUNTY.....2<sup>ND</sup> RESPONDENT**

**AND**

**PATRICK PKIACH & 6 OTHERS (AS THE**

**FORMER REPRESENTATIVES OF ORWA GROUP RANCH).....INTERESTED PARTIES**

**EX PARTE: SIMON NGOLEKONG MERII AND 9 OTHERS**

**(AS THE CURRENT REPRESENTATIVES OF ORWA GROUP RANCH)**

**RULING**

1. The *Ex-parte* Applicants filed Chamber Summons dated 17/11/2020 under **Order 53 Rules 1 and 2** of the **Civil Procedure Rules and Sections 8 and 8 of the Law Reform Act, Cap 26 of the Laws of Kenya**, seeking the following orders:-

**1. ...spent**

**2. That the court be pleased to grant leave to the ex parte applicants to apply for an order of certiorari to remove into this court and quash the decision of the County Criminal Investigations Officer West Pokot, embodied in a letter dated 3/9/2020, to the effect that no election of the ex parte applicants as the current representative of Orwa Group Ranch ever took place, that the issuance of the certificate of incorporation pursuant to the election of the ex parte applicants was a fraud, and that there be a stop to any process that may have been initiated by the ex parte applicants using the 3<sup>rd</sup> certificate of incorporation.**

**3. That the grant of leave do operate as stay of the decisions of the County Criminal Investigations Officer West Pokot embodied in the letter dated 3/9/2020.**

**4. That costs be in the cause.**

2. This court, having perused the chamber summons application granted leave to file and serve the substantive judicial review notice of motion within **21 days**, but reserved the ruling on whether leave should operate as stay till it heard the parties on **23/11/2020**. On **23/11/2020** this court ordered the trial of prayer **No. 3** above to be by way of written submissions.

3. The applicant filed written submissions on **26<sup>th</sup> November 2020**. The respondents filed their submissions on **24/11/2020**.

4. I have perused the filed submissions and in this court's view, the letter dated **3/9/2020** makes a recommendation to the West Pokot County Land Adjudication and Settlement Officer who is not a party herein yet he is the person to implement any such recommendation if he found it fit so to do. Secondly, the process of investigation has been concluded and the "*interim*" findings, whatever meaning may be assigned to that term, have been communicated to the Lands office.

5. For the foregoing reasons I find that there is no good ground upon which to order that the leave do operate as stay as prayed. **Prayer No. 3** of the application dated **17/11/2020** is hereby dismissed. The costs of the application shall be in the cause.

**Dated, signed and delivered at Kitale via electronic mail on this 26<sup>th</sup> day of November, 2020.**

**MWANGI NJOROGI**

**JUDGE, ELC, KITALE.**