



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT & LAND COURT**

**AT KITALE**

**ELC CASE NO. 66 OF 2020**

**PAUL OPUKO ONGURAMBE AND 40 OTHERS.....APPLICANTS**

**VERSUS**

**NATIONAL LAND COMMISSION AND ANOTHER.....RESPONDENTS**

**RULING**

1. The applicants filed an application dated **29/10/2020** seeking an order that the *status quo* concerning the suit land be maintained by prohibiting the respondents from continuing with compulsory acquisition of land measuring 108.6 acres for construction and upgrading of the Kitale –Endebess –Suam road (C45) and/or from in any other way interfering with the plaintiff’s interests in their respective lands and/or businesses.
2. The respondents never filed any reply to the application despite service upon them which was supported by the affidavit of service of Archibald Wekesa Nyukuri filed in court on **5<sup>th</sup> November 2020**.
3. The application is therefore unopposed. On **6/11/2020** when the application came up before this court for hearing Mr Teti for the applicants prayed that it be granted as prayed and this court granted a temporary order in terms of **prayer no (2)** thereof and reserved the matter for a ruling on **12/11/2020**.
4. As the application is unopposed, I hereby grant it but only to the extent that during the construction of all that infrastructure referred to as the Kitale–Endebess – Suam road (C45), the respondents shall not in any manner interfere with the plaintiff’s interests in their respective lands and /or businesses located thereon pending the hearing and determination of the suit.
5. The parties shall comply with the rules and file their bundles of documents and lists and this matter shall be mentioned on the **2<sup>nd</sup> December 2020** for confirmation of such compliance and for fixing a hearing date.

**Dated, signed and delivered at Kitale via electronic mail on this 12<sup>th</sup> day of November, 2020.**

**MWANGI NJOROGE**

**JUDGE, ELC, KITALE**