



REPUBLIC OF KENYA



KENYA LAW
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**Golden Fields Association (Through its Members) & 36 others v
County Government of Kajiado & 4 others (Constitutional Petition
E001 of 2024) [2025] KEELC 6595 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6595 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KAJIADO

CONSTITUTIONAL PETITION E001 OF 2024

MD MWANGI, J

SEPTEMBER 30, 2025

**IN THE MATTER OF ARTICLES 10, 19, 20, 21, 22,23,24, 27, 28, 29,
31, 35, 39,40, 47, 48, 50, 60, 61, 64, 73, 196, 232, 258, 259 AND 259 (1)**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL
RIGHTS AND FREEDOMS UNDER ARTICLES 10 (1)A, B, C, 82 A
B, 20,21, 22, 23, 24, 27, 28, 29, 31, 35, 39, 40, 47, 48, 50, 60, 61, 64, 73,
196, 232, 258, 259 AND 259 (1) OF THE CONSTITUTION OF KENYA**

AND

IN THE MATTER OF THE COUNTY GOVERNMENT ACT SECTION 87, 91, 98, 102

AND

IN THE MATTER OF WILDLIFE CONSERVATION MANAGEMENT 2013

AND

IN THE MATTER OF COMMUNITY LAND ACT

AND

IN THE MATTER OF NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

AND

**IN THE MATTER OF CONSTITUTIONAL AND LEGAL VALIDITY OF THE
PRESIDENTIAL DECREE REF OP/CAB.26/1/31 DATED 26TH JULY 2023**

AND

IN THE MATTER OF SECTIONS 2 AND 5 OF THE LAND ACT

AND

**IN THE MATTER OF THE DOCTRINES OF PUBLIC PARTICIPATION
AND UNFAIR DISCRIMINATION OF MINORITY LAND OWNERS**



BETWEEN

GOLDEN FIELDS ASSOCIATION (THROUGH ITS MEMBERS; AGNES NYAMU, MWANGI NJEHIA, STEPHEN MWANGI, JOHN MUIRURI, JOSEPH MAINA, AGNES MASIMANE, JAMES MAINA, DR CRISPUS MUGAMBI, JUSTUS ONYINKWA, PETER NGARUIYA) & 36 OTHERS & 36 OTHERS & 36 OTHERS APPLICANT

AND

COUNTY GOVERNMENT OF KAJIADO 1ST RESPONDENT

KENYA WILDLIFE SERVICES 2ND RESPONDENT

BIG LIFE FOUNDATION LTD 3RD RESPONDENT

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY 4TH RESPONDENT

THE ATTORNEY GENERAL 5TH RESPONDENT

(In respect of the Notice of Motion application dated 29th April 2025 seeking joinder of the Law Society of Kenya as an Interested Party)

RULING

Introduction

1. Before this Court for determination is the Notice of Motion application dated 29th April 2025, brought pursuant to Articles 22, 23, 159, and 258 of *the Constitution* of Kenya, and Rules 7 and 24 of *the Constitution* of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013.
2. The Intended Interested Party, the Law Society of Kenya (hereinafter “LSK”), seeks the following substantive orders:
 - a. That the Law Society of Kenya be enjoined in these proceedings as an Interested Party;
 - b. That upon being so enjoined, the Law Society of Kenya be granted leave to file such documents, submissions, and materials as may be necessary to aid in the fair, just, and expeditious disposal of the Petition; and
 - c. That the costs of this application be in the cause.
3. The application is supported by the grounds set out on its face and the Supporting Affidavit sworn on 29th April 2025 by Florence Muturi, Secretary and Chief Executive Officer of the LSK. She deposes that the Petition herein raises weighty constitutional issues touching on land rights, environmental justice, public participation, and administrative action. The deponent avers that the LSK, being a statutory body established under the *Law Society of Kenya Act*, Cap. 18, is constitutionally mandated to uphold the rule of law, promote the administration of justice, and assist the courts in matters concerning the same.



4. It is contended that the outcome of the Petition bears significant implications for constitutional and legal principles of governance, environmental regulation, and property rights, areas in which the LSK has a legitimate and professional interest. The LSK further undertakes not to usurp the role of the principal parties, but rather to provide independent, objective, and expert legal perspectives for the Court's consideration. It is further asserted that its joinder will not prejudice any party to the Petition but will instead enrich the Court's appreciation of the constitutional questions involved.
5. The application was opposed by the 3rd Respondent vide a replying affidavit of its chief executive officer, Benson Leiyan sworn on 24th June 2025. He asserts that the Applicant has not demonstrated any stake in the proceedings to justify its admission into the proceedings. He argued that the applicant should instead be admitted into the proceedings as an amicus curiae.

Directions

6. The Court directed that the application be canvassed by way of written submissions. The Applicant and the 3rd Respondent complied and filed submissions which the court has considered in the writing of this ruling.

Issues for Determination

7. The sole issue arising for determination in this application is whether the Applicant has satisfied the legal threshold for the grant of the orders sought.

Analysis and Determination

8. Rule 7 of *the Constitution* of Kenya (Protection of Rights and Fundamental Freedoms) Practice & Procedure Rules, 2013) makes provision for joinder of an interested party as follows:

“7.

- (1) A person, with leave of the Court, may make an oral or written application to be joined as an interested party.
- (2) A court may on its own motion join any interested party to the proceedings before it.”

9. Rule 2 of *the Constitution* of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 (the “Mutunga Rules”) defines an “Interested Party” as an entity that has an identifiable stake or legal interest in the proceedings.

10. The Supreme Court in *Francis K. Muruatetu & Another v Republic & 5 Others* [2016] eKLR, outlined three elements for joinder as an Interested Party:

- a. “The personal interest or stake must be clearly identifiable, proximate, and not merely peripheral;
- b. The prejudice to be suffered in case of non-joinder must be clearly demonstrated and not remote;
- c. The party must set out the case or submissions they intend to make, showing their relevance and that they are not merely a replication of other parties' submissions.”



11. Further, in *Trusted Society of Human Rights Alliance v Mumo Matemu* [2014] eKLR, the Supreme Court further held that an Interested Party is one who has a stake in the proceedings and would be affected by the decision of the Court when it is made, either way.
12. Article 22(2) expressly contemplates proceedings brought “in the public interest” and permits associations to act in the interest of members; Article 22(3)(e) contemplates that an organization with particular expertise may, with leave of the court, appear to assist the court. Rule 7 of the Practice Rules gives the Court express authority to join “a person, ... as an interested party,” and permits the court itself to join an interested party even on its own motion.
13. The above provisions invest the Court with both the jurisdiction and procedural mechanism to allow the LSK or any other party for that matter to be enjoined as an interested party where appropriate.
14. The Law Society of Kenya is a statutory body whose functions directly touch on matters of law, constitutional interpretation, and administration of justice. Its legislative mandate under Section 4(a) and (b) of the *Law Society of Kenya Act* is as follows:

“The objects and functions of the Society are to—

 - (a) assist the Government and the courts in matters relating to legislation, the administration of justice and the practice of law in Kenya;
 - (b) uphold *the Constitution* of Kenya and advance the rule of law and the administration of justice;”
15. The Society definitely has a direct and proximate interest in any proceedings involving questions of constitutional application, procedural fairness, or the interpretation of legal provisions that may affect the practice of law or administration of justice.
16. The Supporting Affidavit sworn by Florence Muturi avers that this Petition raises constitutional issues of national importance touching on property rights, environmental governance, public participation and administrative action. She asserts that the LSK is a statutory body whose objects include assisting the courts and upholding *the Constitution*; and that the LSK seeks to provide independent legal perspectives without usurping the roles of the parties.
17. The averments in the supporting affidavit when measured against Section 4 of the *Law Society of Kenya Act*, demonstrate a legitimate and identifiable professional and public interest which aligns with the objects and functions of the Society.
18. The Court is of the view that joinder of the LSK into this matter will materially assist it in its consideration of the constitutional and legal issues arising therefrom and will further the overriding objectives of the Practice Rules (justice, expeditious disposal, access to justice).
19. Considering the nature of the application, the courts makes no orders as to costs.
20. From to the totality of the foregoing analysis, the Court orders that the Law Society of Kenya be and is hereby enjoined as an Interested Party in these proceedings and is granted leave to file and serve such documents, submissions, and materials as it may deem necessary for the just determination of this matter within twenty (21) days from the date of this ruling.

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 30TH DAY OF SEPTEMBER 2025.



M.D. MWANGI

JUDGE

In the virtual presence of:

Mr. Abuya for the Applicant (LSK)

Mr. Omino for the Petitioners

Mr. Akama h/b for Mr. Nyaosi for the 1st Respondent

Ms. Mueni for the 3rd Respondent

N/A for the 2nd, 4th and 5th Respondents

Court Assistant: Mpoye

