



Republic v County Secretary, Kisii County & 3 others (Environment and Land Judicial Review Case E002 of 2025) [2025] KEELC 6812 (KLR) (7 October 2025) (Judgment)

Neutral citation: [2025] KEELC 6812 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E002 OF 2025**

M SILA, J

OCTOBER 7, 2025

BETWEEN

REPUBLIC APPLICANT

AND

THE COUNTY SECRETARY, KISII COUNTY 1ST RESPONDENT

**THE CHIEF OFFICER, FINANCE AND ACCOUNTING SERVICES, KISII
COUNTY 2ND RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, KISII
COUNTY 3RD RESPONDENT**

**THE CHIEF OFFICER, PUBLIC SERVICE AND MANAGEMENT, KISII
COUNTY 4TH RESPONDENT**

JUDGMENT

1. Through orders given on 4 April 2025 in Kisii ELCLJR E001 of 2025, the ex parte applicant was granted leave to commence judicial review proceedings in the nature of mandamus, to compel the respondents to pay to him the sum of Kshs. 600,000/= being the decretal sum ordered in favour of the ex parte applicant against the County Government of Kisii in the case Kisii ELC Petition No. 40 of 2015. Pursuant to the leave granted, the ex parte applicant filed the main motion dated 16 April 2025 vide this suit. It is that motion which is the subject of this judgment.
2. The motion is supported by the affidavit and statutory statement of the ex parte applicant. He avers that he did file the suit Kisii ELC Petition No. 40 of 2015 against the County Government of Kisii. That on 24 January 2025, the parties entered into a consent that he be paid Kshs. 600,000/=. He avers that despite the consent the County Government of Kisii has not made good the payment thus the need to issue the order of mandamus against the respondents in order to compel the payment thereof.



3. Nothing was filed to oppose the motion, save that at the hearing of the motion, Mr. Mokaya, learned counsel for the respondents mentioned that they are keen to settle the matter.
4. I have considered the motion. It is a straight forward one. There is a decree in favour of the ex parte applicant against the County Government of Kisii as alluded above. The payment thereof has not been forthcoming despite a Certificate of Order being issued against the County Government of Kisii. Given that position, I have no reason to decline this motion and I hereby allow it.
5. I issue an order of mandamus compelling the respondents to forthwith, and in any event, no later than 90 (ninety) days, from the date of this judgment, to ensure that the ex parte applicant is paid the sum of Kshs. 600,000/= as decreed in the suit Kisii ELC Petition No. 40 of 2015.
6. The ex parte applicant will also have costs of this motion and the costs thereof be settled within 60 (sixty) days of taxation or within 60 (sixty) days of the same being agreed.
7. Judgment accordingly.

CONCLUIONS

DATED AND DELIVERED THIS 7 DAY OF OCTOBER 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

Delivered in presence of :

Mr. Matara for the ex parte applicant

Mr. Mokaya for the respondents

Court Assistant – Michael Oyuko

