



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC PETITION CASE NO. 04 OF 2018

BARUA GITUMA & 6 OTHERS.....PETITIONERS

AND

THE NATIONAL LAND COMMISSION.....1ST RESPONDENT

THE CABINET SECRETARY, MINISTRY OF LANDS AND PHYSICAL

PLANNING.....2ND RESPONDENT

THE DISTRICT LAND ADJUDICATION OFFICER,

THARAKA NITHI COUNTY.....3RD RESPONDENT

THE HON. ATTORNEY GENERAL.....4TH RESPONDENT

RULING

1. This application is dated 21st November, 2018. It states on its face that it has been brought to court under Order 1 Rule 3 of the Civil Procedure Rules and Sections 1A, 1B, 3, 3A and 63(e) of the Civil Procedure Act. It seeks the following orders:

1. That this honourable court be pleased to enjoin the applicants/interested partys (sic) herein as respondents in this petition.
2. That costs of this application be borne by the petitioners.

2. The application is buttressed by the affidavit of Andriano Mugwiria, one of the applicants, and has the following grounds:

- a. That the interested partys/applicants (sic) are likely to be affected by the orders that this honourable court shall make (sic) these proceedings.
- b. That the applicant/interested partys (sic) hail from Gakurungu adjudication area and own land parcels in the area.

3. When the parties came to take directions on 15th January, 2019, the petitioners' advocate intimated that the petitioners were not opposed to the application.

4. In the circumstances, the application is allowed and the interested parties are hereby directed to respond to the petition within 21 days of today. They are also directed to comply with all other orders issued by the court today in another ruling.

5. Costs shall be in the cause.

6. It is so ordered.

Delivered in open Court at Chuka this **15th day of January, 2019** in the presence of:

CA: Ndegwa

Kaimenyi Kithinji for the Interested Parties

Kinoti Kirera for the Petitioners

P. M. NJORGE,

JUDGE.