



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CONSTITUTION PETITION CASE NO. 01 OF 2019

IN THE MATTER OF ARTICLES 19, 20, 21, 33, 23, 25, 27, 258, 259 AND 260 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE ALLEGED VIOLATION OF THE RIGHT UNDER ARTICLES 40, 60 AND 64 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE ALLEGED INFRINGEMENT OF THE RIGHT TO FAIR ADMINISTRATION ACTION ENSHRINED IN ARTICLES 10, 25, 47 AND 50 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE CONSTITUTION OF KENYA 2010 (PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE FREEDOMS) PRACTICE AND PROCEDURE RULES 13, 19 AND 23 OF 2013

AND

IN THE MATTER OF ARTICLES 23, 159, 162 (B) OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF LAND REGISTRATION ACT NO. 3 OF 2012

AND

IN THE MATTER OF PHYSICAL PLANNING ACT NO. 6 OF 1996

AND

IN THE MATTER OF COUNTY GOVERNMENT ACT 2012

AND

IN THE MATTER OF NATIONAL POLICE SERVICE ACT 2011

AND

IN THE MATTER OF TITLE KARINGA/NDAGANI3018, THARAKA NITHI COUNTY

BETWEEN

MUTEGI MUGWETWA.....PETITIONER

VERSUS

CHIEF OFFICER LANDS, PHYSICAL PLANNING, HOUSING, URBAN

DEVELOPMENT, ENVIRONMENT AND NATURAL RESOURCES.....1ST RESPONDENT
THE GOVERNOR, COUNTY GOVERNMENT OF THARAKA NITHI.....2ND RESPONDENT
THE COUNTY GOVERNMENT OF THARAKA NITHI.....3RD RESPONDENT
NATIONAL POLICE SERVICE.....4TH RESPONDENT
ATTORNEY GENERAL.....5TH RESPONDENT

RULING

1. The issues raised in this matter are rather urgent in that the parties are embroiled in another case, Chuka ELC 215 of 2017.
2. The 1st to 3rd respondents filed a Preliminary Objection on 25.3.2019 which is also dated the same day.
3. I deem it necessary to hear the Preliminary Objection first.
4. The proponent of the Preliminary Objection is granted 7 days to put in written submissions. The plaintiff/opposer is granted 7 days to put in his written submissions after receipt of the proponent's submissions.
5. By consent, parties will come to court on **24th April, 2019** for directions concerning the date for delivery of the apposite ruling.
6. Extant interim orders are extended.
7. It is so ordered.

Delivered in open Court at Chuka this **26th day of March, 2019** in the presence of:

CA: Ndegwa

Murimi for the plaintiff

Gitari for 1st – 3rd defendants and h/b Kiongo for 4th and 5th defendants

P.M. NJORGE

JUDGE