



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MALINDI

ELC PETITION NO E019 OF 2025

**IN THE MATTER OF ARTICLES 27,40,43, AND 47 OF THE
CONSTITUTION OF KENYA**

**IN THE MATTER OF THREATENED EVICTION OF MOHAMED
ABAE ANNA FROM PUBLIC HOUSING BY THE COUNTY
GOVERNMENT OF TANA RIVER**

**IN THE MATTER OF BREACH OF LEGITIMATE
EXPECTATION, SOCIAL JUSTICE, AND EQUALITY IN
ACCESS TO PUBLIC HOUSING**

BETWEEN

MOHAMED

ABAE

ANNA.....PETITIONER/APPLICANT

VERSUS

THE COUNTY GOVERNMENT OF TANA RIVER...

RESPONDENT

RULING

- 1.** Notice of motion dated July 17, 2025, came for directions on September 22, 2025.
- 2.** The court, *prima facie*, upon reviewing the petition and the pending application, did not identify any constitutional issues worth invoking this court's jurisdiction as a constitutional court.
- 3.** Consequently, the court instructed the applicant's counsel to submit brief submissions outlining the constitutional issues deserving of consideration by this court and scheduled the ruling for October 29, 2025.
- 4.** By the time this court was writing its ruling, no submissions had been filed.
- 5.** The failure to file submissions leads this court to conclude that counsel had nothing substantial to present in support of the pending motion.
- 6.** Therefore, the motion dated July 17th, 2025, is hereby dismissed.

Dated, signed, and delivered virtually at Malindi on October 29th, 2025, in the presence of Happy - Court Assistant, and in the absence of parties who were aware of the ruling date.

E. K. MAKORI

JUDGE