

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KITALE

ELC PETITION NO. 3 OF 2019

JACKSON EKARU NAKUSA & 32 OTHERS.....PETITIONERS

VERSUS

NATIONAL LAND COMMISSION.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

COUNTY GOVERNMENT OF TURKANA.....3RD RESPONDENT

RULING

1. I have considered the application dated **11/3/2019**. The same relates to compulsory acquisition of land within Turkana County, which is impugned. An order is sought to stay the decision made by the 1st respondent evinced in **Gazette Notice N. 1157**.
2. In summary prayers 2, 3, 4 and 5 of the motion can be summed up into one prayer: that the implementation of decision of the 1st respondent herein evidenced by the **Gazette Notice No. 1157** of **8th February, 2019** be stayed pending inter-partes hearing of the application. It has already been submitted that the Gazette Notice had a time frame of 30 days which has already lapsed and that the respondent can initiate an inquiry.
3. However I find it to be more appropriate in a matter of this nature to have the matter certified urgent and the application be served upon the respondents for hearing inter-partes on an expeditious basis before any substantive orders are made.
4. I therefore certify the application dated **11/3/2019** as urgent. The same shall be served upon the respondents within **2 days** of this order for hearing inter-partes on **19/3/2019**.

It is so ordered.

Dated, signed and delivered at Kitale on this 11th day of March, 2019.

MWANGI NJORGE

JUDGE