



Republic v Secretary/Chief Executive Officer, National Land Commission; Tom Ojienda & Associates (Ex parte) (Miscellaneous Application E004 of 2025) [2025] KEHC 15275 (KLR) (Judicial Review) (28 October 2025) (Judgment)

Neutral citation: [2025] KEHC 15275 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
MISCELLANEOUS APPLICATION E004 OF 2025
JM CHIGITI, J
OCTOBER 28, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

SECRETARY/CHIEF EXECUTIVE OFFICER, NATIONAL LAND COMMISSION RESPONDENT

AND

PROF. TOM OJIENDA & ASSOCIATES EX PARTE

JUDGMENT

1. The application that is before the court is the one dated 17.1.25 where the applicant seeks the following orders: -

1. That this Honourable Court be pleased to issue an Order of Mandamus be granted compelling the Respondent to pay to the Applicant forthwith and without delay, the decretal sum delineated hereunder together with the accrued interest until payment in full, that is to say;

Particulars

a. Decretal Amount Kshs.69,242,001.64/=

b. Interest on the Decretal sum from 6th March 2017 to 30th October 2024.

At Court rate i.e. 14% per annum (2795 days) Kshs.74,231,219.84/= 2021 to 25th March, 2024. Total Sum Kshs. 143,473,221.48/=



2. That in default, Notice to Show Cause do issue against the Respondents to show cause why they should not be cited for being in contempt of Court Orders.
3. That the costs of this Application be borne by the Respondent.
4. It is the Applicants case that the he filed an Advocate-Client Bill of Costs dated 20th April 2016 which arose out of a Court Judgment in the parent file being Supreme Court Advisory Opinion Reference No. 2 of 2014 between National Land Commission and the Attorney General, the ministry of Land, Housing & Urban Development, Cabinet Secretary of Lands, C01nmission for the Implementation of *the Constitution* and the Institution of Surveyors Kenya in which the Applicant fully represented the Respondent to the conclusion of the matter before the Supreme Court and obtained a favourable Judgment.
5. The Applicant's Bill of Costs was taxed at Kshs. 112,741,002/= vide a Ruling dated 6th March 2017 and a Certificate of Taxation dated 15th March 2017 to that effect.
6. That the Respondent proceeded to file a Reference dated 20th March 2017 challenging the Ruling of 6th March 2017 after which on 7th December 2017, the Applicant's Bill of Costs was re-taxed to Kshs. 69,242,001.64/=.
7. The Court issued a Certificate of Taxation dated 18th March 2019 for the sum of Kshs. 69,242,001.64/=.
8. On 8th December 2023, the Court of Appeal in Civil Appeal No. E264 of 2020; Prof. Tom Ojienda & Associates vs National Land Commission proceeded to strike out with costs, the Record of Appeal that sought to Appeal the Ruling of the Court delivered on 20th September 2017.
9. Subsequently, the Applicant herein filed an Application dated 13th December 2023 seeking that the Court enters Judgment in its favour together with interest.
10. The Respondent also filed an Application dated 14th February 2024 seeking stay of execution of the Judgment dated 20th December 2023, pending hearing and determination of the Appeal filed at the Supreme Court.
11. On 4th October 2024, the Honourable Court allowed the Applicant's Application for entry of Judgment and dismissed the Respondent's Application for stay.
12. The Applicant thereafter extracted a Decree dated 30th October 2024 and a Certificate of Order against the Government which was issued on the same day for the payment of the total sum of Kshs143,473,331.48/.
13. The Applicant served the Respondent with the Decree and Certificate of Order dated 30th October 2024 on 19th November 2024 and 4th December, 2024, requiring the Respondent to settle the decretal sum to no avail.
14. The Respondent has neither reached out to the Applicant nor settled the decretal sum, which remained due, and owing as at the time of filing this suit.
15. The Applicant's process server, Kyalo Kamina, filed an Affidavit of service sworn on 4th December 2024 depicting proof of service of the Decree and the Certificate of Order dated 30th October 2024.
16. The Respondent herein is accounting officer of the National Land Commission as stipulated under Section 20(4) of the *National Land Commission Act* and is therefore in charge of settling decretal sums due and owed by the National Land Commission.



17. The Respondent, despite being aware of the sums due and owing to the Applicant for legal services rendered, have to date failed and/or refused to settle the decretal sums.
18. The said sums have been due and owing for years now and the Applicant is left with no other recourse other than to seek refuge from this Honourable Court, hoping that it will be reimbursed for legal services rendered to the Respondents.

The Respondent's Case;

19. In opposing the application, the Respondent relies on the following grounds of opposition, that: -
 1. The writ of mandamus is only available to compel the performance of a public duty.
 2. Payment of professional legal fees is not a public duty to warrant the grant of orders of mandamus.
 3. The application is therefore bad in law, and ought to be struck out with costs to the Respondent.
20. It is the Respondent's submission that the writ of mandamus is only available to compel the performance of a public duty and the payment of professional legal fees is not a public duty to warrant the grant of orders of mandamus.
21. It is a private obligation between a client and their legal representative.
22. It submits that in the context of mandamus, a public duty refers to a specific obligation imposed on a public official or body of law to perform a certain act or series of acts. As such, the duty must be a legal obligation, not merely a discretionary power.
23. Reliance is placed in the case of *Republic v Director of Pensions, National Treasury; Miyogo (Exparte)* (Judicial Review Application E119 of 2021) [2023/ ICEHC 231 (KLR), the Court quoted the case of *Kenya National Examination Council v Republic Ex Parte Geoffrey Gathenji Njoroge & 9 others* [1997/ eKLR, where while addressing its mind on the scope and efficacy of an order of mandamus. The Court of Appeal stated that:

“The next issue we must deal with is this: What is the scope and efficacy of an Order of Mandamus? Once again, we turn to Halsbury's Law of England, 4th Edition Volume 1 at page 111 from paragraph 89. That learned treatise says: -

‘The order of mandamus is of a most extensive remedial nature, and is, inform, a command issuing from the High Court of Justice, directed to any person, corporation or inferior tribunal, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. Its purpose is to remedy the defects of justice and accordingly it will issue, to the end that justice may be done, in all cases where there is a specific legal right and no specific legal remedy for enforcing that right; and it may issue in cases where, although there is an alternative legal remedy, yet that mode of redress is less convenient, beneficial and effectual.’

At paragraph 90 headed "the mandate" it is stated:

‘The order must command no more than the party against whom the application is made is legally bound to perform. Where a general duty is imposed, a mandamus cannot require it



to be done at once. Where a statute, which imposes a duty leaves discretion as to the mode of performing the duty in the hands of the party on whom the obligation is laid, a mandamus cannot command the duty in question to be carried out in a specific way.”

24. The Court in the case of Republic v Ministry of Labour & Social Protection; Ojienda & Company Advocates (Exparte) (Application E023 of 2021) [2024/ KEIC 10128 (KLR) (Judicial Review)] also while addressing the scope of mandamus held at paragraphs 11 and 12 of the judgment that:

“According to Halsbury’s Laws of England/Judicial Review (volume 61 (2010) 5th Edition)/5. Judicial Remedies/ (1) Introduction paragraph 689: mandatory order is, in form, a command issuing from the High Court, directed to any person, corporation or inferior tribunal requiring him, or them, to do some particular thing specified in the command which appertains to his or their office and is in the nature of a public duty (See *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997, [1968] All ER 694, HL). The breach of duty may be a failure to exercise a discretion, or a failure to exercise it according to proper legal principles.”

And in paragraph 706 of the same treatise, it is stated:

Public duties by government officials; If public officials or public bodies fail to perform any public duty with which they have been charged, a mandatory (mandamus) order may be made to compel them to carry out the duty (See *R v Metropolitan Police Comr, ex p Blackburn* (No 3) [1973] QB 241, [1973/1 All ER 324, CA; *R v London Transport Executive, ex p GLC* [1983/ QB 484, [1983/ 2 All ER 262, DC.]”

25. Thus, the order of mandamus may be issued in circumstances where there is failure to perform a public duty or failure to exercise discretion or to exercise it according to legal principles.
26. It is the Respondent’s position that the Exparte Applicant has not demonstrated that payment of professional legal fees is in the nature of public duty.

Analysis and Determination:

27. From the parties’ cases as characterized herein above, the issues that falls for determination is whether the Respondent has a duty to satisfy the decree that is the subject of these proceedings and whether the Applicant has satisfied the conditions precedent to warrant the grant of the orders sought.
28. According to the Respondent the writ of mandamus is only available to compel the performance of a public duty and the payment of professional legal fees is not a public duty to warrant the grant of orders of mandamus.
29. This court must from inception clarify that professional services for lawyers attract legal fees under the Advocate Act.
30. The legal fees must ordinarily be paid within the agreement that the Advocate has with their respective clients. The court has no business in this space giving n that it is a private engagement that is regulated by The Advocates Remuneration Order.
31. No doubt this professional relationship is supposed to be private and confidential in nature and the court has nothing to do with it.
32. However, that relationship is at times breached when there is a failure to pay the legal fees that the Advocate is entitled to by the client who can at times be the National or the County Government. The



advocate as a professional who has rendered legal services to such a client must never be left without redress at this level.

33. It is at this point that the procedure of the taxation of the Advocate client's bill of costs as provided for under the *Advocates Act* kicks in or is initiated by the aggrieved advocate.
34. The taxation the Advocate client's bill of costs process culminates in the issuance of a certificate of costs which becomes an actionable claim that is an entitlement that is due and payable to the Advocate unless the same is not set aside. It becomes a property in the hands of the advocate or the decree holder.
35. In cases where the legal service that were provided were in relation to the government or a state corporation as the client then the amount as certified in the certificate of costs or certificate of order becomes a debt that can be realized or executed through the Judicial Review process.
36. The court has the power under the *Government Proceedings Act* to issue such orders. It must be clear that at this level what is due to the advocate becomes a public debt. This explains why the relevant accounting officer of the concerned state department ordinarily pays it. This is why once judgment is entered against the government the issue of the budgetary allocation of funds comes to fore.
37. It is from this background that the court finds the respondent's argument that there is no duty to pay to be misplaced, and I so hold.
38. Article 20 (1) of *the constitution* provides that all the Bill of Rights applies to all law and binds all State organs and all persons.
39. The governing law that guide the execution of decrees like the one in the instant suit is Section 21 of *Government Proceedings Act* which provides:

“(1) Where in any civil proceedings by or against the Government, or in proceedings in connection with any arbitration in which the Government is a party, any order (including an order for costs) is made by any court in favour of any person against the Government, or against a Government department, or against an officer of the Government as such, the proper officer of the court shall, on an application in that behalf made by or on behalf of that person at any time after the expiration of twenty-one days from the date of the order or, in case the order provides for the payment of costs and the costs require to be taxed, at any time after the costs have been taxed, whichever is the later, issue to that person a certificate in the prescribed form containing particulars of the order:

Provided that, if the court so directs, a separate certificate shall be issued with respect to the costs (if any) ordered to be paid to the applicant.

Section 21 (3) of the said Act on the other hand provides:

“If the order provides for the payment of any money by way of damages or otherwise, or of any costs, the certificate shall state the amount so payable, and the Accounting Officer for the Government department concerned shall, subject as hereinafter provided, pay to the person entitled or to his advocate the amount



appearing by the certificate to be due to him together with interest, if any, lawfully due thereon:

Provided that the court by which any such order as aforesaid is made or any court to which an appeal against the order lies may direct that, pending an appeal or otherwise, payment of the whole of any amount so payable, or any part thereof, shall be suspended, and if the certificate has not been issued may order any such direction to be inserted therein.

This court is further guided by the case of *Republic v Permanent Secretary, Ministry of State for Provincial Administration and Internal Security Ex parte Fredrick Manoah Egunza* [2012] eKLR while dealing with the said provisions expressed herself as follows:

“In ordinary circumstances, once a judgment has been entered in a civil suit in favour of one party against another and a decree is subsequently issued, the successful litigant is entitled to execute for the decretal amount even on the following day. When the Government is sued in a civil action through its legal representative by a citizen, it becomes a party just like any other party defending a civil suit. Similarly, when a judgment has been entered against the government and a monetary decree is issued against it, it does not enjoy any special privileges with regards to its liability to pay except when it comes to the mode of execution of the decree. Unlike in other civil proceedings, where decrees for the payment of money or costs had been issued against the Government in favour of a litigant, the said decree can only be enforced by way of an order of mandamus compelling the accounting officer in the relevant ministry to pay the decretal amount as the Government is protected and given immunity from execution and attachment of its property/goods under Section 21(4) of the *Government Proceedings Act*. The only requirement which serves as a condition precedent to the satisfaction or enforcement of decrees for money issued against the Government is found in Section 21(1) and (2) of the *Government Proceedings Act* (hereinafter referred to as the Act) which provides that payment will be based on a certificate of costs obtained by the successful litigant from the court issuing the decree which should be served on the Hon Attorney General. The certificate of order against the Government should be issued by the court after expiration of 21 days after entry of judgment. Once the certificate of order against the Government is served on the Hon Attorney General, section 21(3) imposes a statutory duty on the accounting officer concerned to pay the sums specified in the said order to the person entitled or to his advocate together with any interest lawfully accruing thereon. This provision does not condition payment to budgetary allocation and



parliamentary approval of Government expenditure in the financial year subsequent to which Government liability accrues.”

40. Whereas execution proceedings as are known to law are not available against the Government, the accounting officer for the Government department concerned is nevertheless under a statutory duty to satisfy a judgment made by the Court against that department.
41. In *Republic v The Attorney General & Another ex parte James Alfred Koroso* (2013) eKLR, cited with approval the case of *Shah v Attorney General* (No. 3) Kampala HCCM No. 31 of 1969 [1970] EA 543 it was held as follows:

“Mandamus is essentially English in its origin and development and it is therefore logical that the court should look for an English definition. Mandamus is a prerogative order issued in certain cases to compel the performance of a duty. It issues from the Queen’s Bench Division of the English High Court where the injured party has a right to have anything done, and has no other specific means of compelling its performance, especially when the obligation arises out of the official status of the respondent. Thus, it is used to compel public officers to perform duties imposed upon them by common law or by statute and is also applicable in certain cases when a duty is imposed by Act of Parliament for the benefit of an individual. Mandamus is neither a writ of course nor of right, but it will be granted if the duty is in the nature of a public duty and especially affects the rights of an individual, provided there is no more appropriate remedy. The person or authority to whom it is issued must be either under a statutory or legal duty to do or not to do something; the duty itself being of an imperative nature... In cases where there is a duty of a public or quasi-public nature, or a duty imposed by statute, in the fulfilment of which some other person has an interest the court has jurisdiction to grant mandamus to compel the fulfilment... The foregoing may also be thought to be much in point in relation to the applicant’s unsatisfied judgement which has been rendered valueless by the refusal of the Treasury Officer of Accounts to perform his statutory duty under section 20(3) of the *Government Proceedings Act*. It is perhaps hardly necessary to add that the applicant has very much of an interest in the fulfilment of that duty... Since mandamus originated and was developed under English law it seems reasonable to assume that when the legislature in Uganda applied it to Uganda they intended it to be governed by English law in so far as this was not inconsistent with Uganda law. Uganda, being a sovereign State, the Court is not bound by English law but the court considers the English decisions must be of strong persuasive weight and afford guidance in matters not covered by Uganda law... English authorities are overwhelmingly to the effect that no order can be made against the State as such or against a servant of the State when he is acting “simply in his capacity of servant”. There are no doubt cases where servants of the Crown have been constituted by Statute agents to do particular acts, and in these cases a mandamus would lie against them as individuals designated to do those acts. Therefore, where government officials have been constituted agents for carrying out particular duties in relation to subjects, whether by royal charter, statute, or common law, so that they are under a legal obligation towards those subjects, an order of mandamus will lie for the enforcement of the duties... With regard to the question whether mandamus will lie, that case falls within the class of cases when officials have a public duty to perform, and having refused to perform it, mandamus will lie on the application of a person interested to compel them to do so. It is no doubt difficult to draw the line, and some of the cases are not easy to reconcile... It seems to be an illogical argument that the Government Accounting Officer cannot be compelled to carry out a statutory duty specifically imposed by Parliament out of funds which Parliament



itself has said in section 29(1) of the *Government Proceedings Act* shall be provided for the purpose. There is nothing in the said Act itself to suggest that this duty is owed solely to the Government.... Whereas mandamus may be refused where there is another appropriate remedy, there is no discretion to withhold mandamus if no other remedy remains. When there is no specific remedy, the court will grant a mandamus that justice may be done. The construction of that sentence is this: where there is no specific remedy and by reason of the want of specific remedy justice cannot be done unless a mandamus is to go, then mandamus will go... In the present case it is conceded that if mandamus was refused, there was no other legal remedy open to the applicant. It was also admitted that there were no alternative instructions as to the manner in which, if at all, the Government proposed to satisfy the applicant's decree. It is sufficient for the duty to be owed to the public at large. The prosecutor of the writ of mandamus must be clothed with a clear legal right to something which is properly the subject of the writ, or a legal right by virtue of an Act of Parliament... In the court's view the granting of mandamus against the Government would not be to give any relief against the Government which could not have been obtained in proceedings against the Government contrary to section 15(2) of the *Government Proceedings Act*. What the applicant is seeking is not relief against the Government but to compel a Government official to do what the Government, through Parliament, has directed him to do. Likewise, there is nothing in section 20(4) of the Act to prevent the making of such order. The subsection commences with the proviso "save as is provided in this section". The relief sought arises out of subsection (3), and is not "execution or attachment or process in the nature thereof". It is not sought to make any person "individually liable for any order for any payment" but merely to oblige a Government officer to pay, out of the funds provided by Parliament, a debt held to be due by the High Court, in accordance with a duty cast upon him by Parliament. The fact that the Treasury Officer of Accounts is not distinct from the State of which he is a servant does not necessarily mean that he cannot owe a duty to a subject as well as to the Government which he serves. Whereas it is true that he represents the Government, it does not follow that his duty is therefore confined to his Government employer. In mandamus cases it is recognised that when statutory duty is cast upon a Crown servant in his official capacity and the duty is owed not to the Crown but to the public any person having a sufficient legal interest in the performance of the duty may apply to the Courts for an order of mandamus to enforce it. Where a duty has been directly imposed by Statute for the benefit of the subject upon a Crown servant as *persona designata*, and the duty is to be wholly discharged by him in his official capacity, as distinct from his capacity as an adviser to or an instrument of the Crown, the Courts have shown readiness to grant applications for mandamus by persons who have a direct and substantial interest in securing the performance of the duty. It would be going too far to say that whenever a statutory duty is directly cast upon a Crown servant that duty is potentially enforceable by mandamus on the application of a member of the public for the context may indicate that the servant is to act purely as an adviser to or agent of the Crown, but the situations in which mandamus will not lie for this reason alone are comparatively few...Mandamus does not lie against a public officer as a matter of course. The courts are reluctant to direct a writ of mandamus against executive officers of a government unless some specific act or thing which the law requires to be done has been omitted. Courts should proceed with extreme caution for the granting of the writ which would result in the interference by the judicial department with the management of the executive department of the government. The Courts will not intervene to compel an action by an executive officer unless his duty to act is clearly established and plainly defined and the obligation to act is peremptory...On any reasonable interpretation of the duty of



the Treasury Officer of Accounts under section 20(3) of the Act it cannot be argued that his duty is merely advisory, he is detailed as persona designate to act for the benefit of the subject rather than a mere agent of Government, his duty is clearly established and plainly defined, and the obligation to act is peremptory. It may be that they are answerable to the Crown but they are answerable to the subject... The court should take into account a wide variety of circumstances, including the exigency which calls for the exercise of its discretion, the consequences of granting it, and the nature and extent of the wrong or injury which could follow a refusal and it may be granted or refused depending on whether or not it promotes substantial justice... The issue of discretion depends largely on whether or not one should, or indeed can, look behind the judgement giving rise to the applicant's decree. Therefore, an order of mandamus will issue as prayed with costs." [Emphasis added].

42. The accounting officer of the relevant government department and in this case the Respondent is obliged to satisfy the decree notwithstanding the fact that the said officer was not a party to the trial proceedings and that in fact the only defendant therein was the Attorney General.
43. The court in *Republic v The Attorney General & Another ex parte James Alfred Koroso* (supra) further held as hereunder:

"...in the present case the ex parte applicant has no other option of realizing the fruits of his judgement since he is barred from executing against the Government. Apart from mandamus, he has no option of ensuring that the judgement that he has been awarded is realized. Unless something is done he will forever be left baby-sitting his barren decree. This state of affairs cannot be allowed to prevail under our current Constitutional dispensation in light of the provisions of Article 48 of *the Constitution* which enjoins the State to ensure access to justice for all persons. Access to justice cannot be said to have been ensured when persons in whose favour judgements have been decreed by courts of competent jurisdiction cannot enjoy the fruits of their judgement due to roadblocks placed on their paths by actions or inactions of public officers. Public offices, it must be remembered are held in trust for the people of Kenya and Public Officers must carry out their duties for the benefit of the people of the Republic of Kenya. To deny a citizen his/her lawful rights which have been decreed by a Court of competent jurisdiction is, in my view, unacceptable in a democratic society. Public officers must remember that under Article 129 of *the Constitution* executive authority derives from the people of Kenya and is to be exercised in accordance with *the Constitution* in a manner compatible with the principle of service to the people of Kenya, and for their well-being and benefit... The institution of judicial review proceedings in the nature of mandamus cannot be equated with execution proceedings. In seeking an order for mandamus the applicant is seeking, not relief against the Government, but to compel a Government official to do what the Government, through Parliament, has directed him to do. The relief sought is not "execution or attachment or process in the nature thereof". It is not sought to make any person "individually liable for any order for any payment" but merely to oblige a Government officer to pay, out of the funds provided by Parliament, a debt held to be due by the High Court, in accordance with a duty cast upon him by Parliament. The fact that the Accounting Officer is not distinct from the State of which he is a servant does not necessarily mean that he cannot owe a duty to a subject as well as to the Government which he serves. Whereas it is true that he represents the Government, it does not follow that his duty is therefore confined to his Government employer. In mandamus cases it is recognised that when statutory duty is cast upon a Public Officer in his official capacity and the duty is owed not to the State but to the public any person having a



sufficient legal interest in the performance of the duty may apply to the Courts for an order of mandamus to enforce it. In other words, mandamus is a remedy through which a public officer is compelled to do a duty imposed upon him by the law. It is in fact the State, the Republic, on whose behalf he undertakes his duties, that is compelling him, a servant, to do what he is under a duty, obliged to perform. Where therefore a public officer declines to perform the duty after the issuance of an order of mandamus, his/her action amounts to insubordination and contempt of Court hence an action may perfectly be commenced to have him cited for such. Such contempt proceedings are no longer execution proceedings but are meant to show the Court's displeasure at the failure by a servant of the state to comply with the directive of the Court given at the instance of the Republic, the employer of the concerned public officer and to uphold the dignity and authority of the court.”

44. In the instant case, the Applicant herein has moved this Court to compel the satisfaction of a judgment already decreed in their favour by a competent Court of law.
45. The application has proven its case and the application meets the statutory requirements of The Government Proceedings Act. There is a Certificate of costs which remains unsettled which fact the Respondent has not denied.
46. The Respondent has not given any satisfactory reason why the decree has not been settled.
47. The Respondent's argument that there is no public duty cannot be used to defeat a legitimate claim.

Costs;

48. Halsbury's Laws of England, 4th ed Re-Issue (2010), Vol. 10, para. 16:

“The court has discretion as to whether costs are payable by one party to another, the amount of those costs, and when they are to be paid. Where costs are in the discretion of the court, a party has no right to costs unless and until the court awards them to him, and the court has an absolute and unfettered discretion to award or not award them. This discretion must be exercised judicially; it must not be exercised arbitrarily but in accordance with reason and justice” [emphasis supplied]. In *Jasbir Singh Rai & 3 others v Tarlochan Singh Rai & 4 others* [2014] eKLR [13] it was held, to the same intent Mr. Justice (Rtd.) Kuloba thus writes in his work, *Judicial Hints on Civil Procedure*, 2nd ed. (Nairobi: Law Africa, 2011), p. 94: “Costs are [awarded at] the unfettered discretion of the court, subject to such conditions and limitations as may be prescribed and to the provisions of any law for the time being in force, but they must follow the event unless the court has good reason to order otherwise.

49. The applicant in this suit has been successful and it is hereby awarded costs.

Disposition;

50. It is this court's finding that the applicant has proved its case by proving to the requisite statutory standards and mandatory execution procedure as set out under Section 21 of the Government Proceedings Act.

Order:

1. An Order of Mandamus is hereby issues compelling the Respondent to pay to the Applicant the decretal sum of Kshs. 143,473,221.48/=.



2. The said amount shall be paid within 6 months.
3. In default, a Notice to Show Cause shall issue against the Respondents to show cause why they should not be cited for being in contempt of Court Orders.
4. Costs to the applicant.

DATED, SIGNED, AND DELIVERED AT NAIROBI THIS 28TH DAY OF OCTOBER 2025.

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J. CHIGITI (SC)

JUDGE

