



**Raghibir v County Executive Committee Member (CEC) of The Ministry of Public Works,
Road & Transport, County Government of Kajiado & another (Environment and Land Judicial
Review Case E010 of 2025) [2025] KEELC 8588 (KLR) (4 December 2025) (Judgment)**

Neutral citation: [2025] KEELC 8588 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E010 OF 2025
MD MWANGI, J
DECEMBER 4, 2025**

BETWEEN

GUJRAL SANDEEP SINGH RAGHBIR APPLICANT

AND

**COUNTY EXECUTIVE COMMITTEE MEMBER (CEC) OF THE MINISTRY
OF PUBLIC WORKS, ROAD & TRANSPORT, COUNTY GOVERNMENT OF
KAJIADO 1ST RESPONDENT**

COUNTY ATTORNEY 2ND RESPONDENT

JUDGMENT

Introduction

1. Before this Court for determination is a Judicial Review application filed by the Applicant, Mr. Gujral Sandeep Singh Raghibir, seeking an order of Mandamus against the Respondents to compel payment of a decretal sum, taxed costs, and interest awarded in his favour by this Court on 23rd January 2018, in ELC Case No. 11 of 2017 (formerly Nairobi 1090 of 2014).
2. The factual background, as deposed in the Applicant's supporting affidavit, is that the Applicant is the registered owner of a plot in Kajiado County, known as Title Number Noonkopir Trading Centre/195. In August 2014, the County Government of Kajiado, without notice or lawful authority, demolished the perimeter wall of the Applicant's property and constructed a road on the premises. The actions interfered with the Applicant's stores, restaurant, and other structures, causing substantial damage.
3. The Applicant then instituted ELC Case No. 11 of 2017, seeking among other reliefs a permanent injunction restraining the Respondents and their agents from interfering with his property, general



damages, costs, and interest. By Judgment and Decree dated 23rd January 2018, this Court granted the injunction, awarded general damages of Kshs. 10,000,000/=, taxed costs, and interest.

4. The Applicant avers that the Respondents have failed, neglected, or refused to satisfy the Decree, the taxed costs, and the interest thereon, thereby necessitating this application for a Judicial Review Order of Mandamus to enforce compliance with the Court's orders.
5. The Applicant seeks, among other reliefs THAT:
 1. This Honorable Court be pleased to issue a Judicial Review Order Of Mandamus directed to the Respondents to compel them to forthwith and without any delay, pay in full to the ex-parte Applicant the decretal sum of Kshs. 10,000,000/= as per the Judgement/Decree of the Court issued on 23rd January 2018.
 2. This Honorable Court be pleased to issue a Judicial Review Order Of Mandamus directed to the Respondents to compel them to forthwith and without any delay, pay to the ex-parte Applicant the taxed costs together with interest thereon which is due on account of the Certificate of Taxation.
 3. The Respondents be hereby ordered to comply by satisfying the Decree, Costs and Interest in ELC Case No. 11 of 2017 within thirty (30) days from the date of service of the Judicial Review Order Of Mandamus.
 4. In default, Notice to Show Cause do issue against the Respondents to show cause why they should not be cited for contempt of court.
 5. Costs of this Application be provided for.

Directions

6. The court directed that the application be canvassed by way of written submissions. The submissions by the Applicant have been duly considered in the writing of this judgement. The Respondents did not, despite service, respond to the application.

Analysis and Determination

7. The primary issue that arises for determination is whether the Applicant is entitled to the Judicial Review Order of Mandamus and the consequential reliefs sought, compelling the Respondents to satisfy the decree, costs, and interest awarded in ELC No. 11 of 2017.
8. The enforcement of monetary decrees against Government entities is governed by Section 21 of the [Government Proceedings Act](#), which provides in mandatory terms that:

“ 21. Satisfaction of orders against the Government

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.

2. A copy of any certificate issued under this section may be served by the person in whose favour the order is made upon the Attorney-General.
 3. 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.
 4. Save as aforesaid, no execution or attachment or process in the nature thereof shall be issued out of any such court for enforcing payment by the Government of any such money or costs as aforesaid, and no person shall be individually liable under any order for the payment by the Government, or any Government department, or any officer of the Government as such, of any money or costs.
 5. This section shall, with necessary modifications, apply to any civil proceedings by or against a county government, or in any proceedings in connection with any arbitration in which a county government is a party.”
9. The provisions of Sections 21(3) and 21(4) of the [Government Proceedings Act](#) further contemplate that where a certificate of order against the Government has been duly issued and served, it becomes a mandatory statutory obligation of the relevant accounting officer to satisfy the decree. In the event of non-performance of that public duty, the decree holder’s recourse lies in instituting judicial review proceedings for an order of mandamus compelling the accounting officer to effect payment.
10. It is worth stating that Article 2(1) of [the Constitution](#) makes it clear that [the Constitution](#) is the supreme law of the Republic and is binding on all persons and State organs. Further, Article 159(1) vests judicial authority in the courts whose decisions must be respected and complied with by all State organs. Once a judgment against the Government becomes due and payable, Section 21 of the [Government Proceedings Act](#) imposes a mandatory statutory duty upon the relevant accounting officer to satisfy the decree through settlement of the certificate of order against the Government.



11. The jurisprudence on mandamus is well settled. In Republic vs Permanent Secretary, Office of The President Ministry of Internal Security & Another ex parte Nassir Mwandihhi [2014] eKLR, Odunga, J. emphasized that:

“It therefore follows from the foregoing discourse that the rules applicable to normal execution proceedings by way of committal to civil jail are not necessarily applicable to enforcement of an order of the Court arising from an order of mandamus by way of committal. It must be remembered that an application for an order of mandamus seeking an order compelling the Government to satisfy a decree is a very elaborate procedure. Before the Court issues such an order, there must be proof that the provisions of the Government Proceedings Act have been complied with respect to issuance of certificate of costs and certificate of order against the Government. After the issuance of the aforesaid documents, just like in any application for mandamus, there must be a demand for payment made by or on behalf of the decree holder to the relevant department seeking payment since in an application for an order of mandamus, the law as a general rule requires a demand by the applicant for action and refusal as a prerequisite to the granting of an order, though there are exceptions to the rule.”

12. In Republic v Permanent Secretary, Ministry of State for Provincial Administration and Internal Security ex parte Fredrick Manoah Egunza[2012] eKLR, the Court held:

“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.”

13. An order of mandamus is what used to be referred to as a writ of mandamus in English Common Law. It not only enforces statutory duties but also protects judicial authority. In Republic v County Executive Committee Member, Finance & Economic Affairs Narok County Government & 2 others; Tom Ojienda & Associates (Ex parte) [2024] KEHC 11393 (KLR), the court opined that; failure by county officials to comply with a judicial order justified issuance of mandamus, thereby upholding public accountability.

“This provision of the law imposes a public duty on the accounting officer of the Government department concerned to pay whatever amount that appears in the certificate of order against government. Where he fails to perform this public duty a mandamus order would ensue to compel him to perform the public duty and make the payment. Only the order of mandamus would be the viable means through which the decree holder can enforce the decree because under section 21(4) of the Government Proceedings Act, the Government is insulated from execution or attachment. This was the rationale upon which the application was made and subsequently granted.”

14. It is not in dispute that a valid judgment and decree were issued in ELC No. 11 of 2017 on 23rd January 2018, and that the same were duly served upon the Respondents together with the certificate of taxation. The Applicant further issued a formal demand in accordance with the mandatory provisions of Section 21 of the Government Proceedings Act. Despite these efforts, the Respondents



have steadfastly refused, neglected, or otherwise failed to honour and satisfy the decretal sum, costs, and interest awarded to the Applicant.

15. Owing to the statutory protection afforded to Government property under Section 21(4) of the *Government Proceedings Act*, ordinary execution and attachment against the property of the Respondents is barred. The result is that the Applicant is left without any alternative effective mechanism of enforcing the decree other than an order of mandamus. The Respondents' continued failure to satisfy the judgment not only denies the Applicant the fruits of a lawful judgment but also offends constitutional values relating to respect for judicial authority and is tantamount to disobedience of court orders, which amounts to contempt.
16. The Court is guided by the reasoning in *Republic v County Government of Nairobi & Another; Achuti & Another (Ex parte)* [2025] KEHC 9324, wherein it was held that where public officers defy court judgments, courts must intervene to protect their dignity, authority, and the rule of law.
17. In light of the foregoing analysis, this Court is satisfied that a clear statutory duty exists requiring the Respondents to satisfy the decree issued in favour of the Applicant. The Respondents have breached that duty without justification. An order of mandamus thus remains the only lawful and effective means of enforcement available to the Applicant, given the statutory restrictions against ordinary execution procedures involving Government entities.
18. The Court is persuaded that the Application is merited and must be allowed in its entirety in order to uphold judicial authority, safeguard constitutionalism, and secure the Applicant's right to enjoy the fruits of his judgment. Accordingly, I find and hold that the Applicant is entitled to the orders as sought.
19. Having found merit in the Notice of Motion dated 16th August 2023, and in the absence of any opposition thereto, this Court hereby issues the following orders:
 - a) A Judicial Review Order Of Mandamus is hereby issued directed at the Respondents compelling them forthwith and without any delay to pay in full to the Ex-parte Applicant the decretal sum of Kenya Shillings Ten Million (Kshs. 10,000,000/=) as per the Judgment/Decree of the Court issued on 23rd January 2018 in ELC Case No. 11 of 2017.
 - b) A Judicial Review Order Of Mandamus is hereby issued directed at the Respondents compelling them forthwith and without any delay to pay to the Ex-parte Applicant the taxed costs together with interest thereon due on account of the Certificate of Taxation issued pursuant to the aforesaid decree.
 - c) The Respondents are hereby ordered to comply by satisfying the Decree, the taxed costs and accrued interest in ELC Case No. 11 of 2017 within thirty (30) days from the date of service of this Order.
 - d) In default of compliance, a Notice to Show Cause shall issue requiring the Respondents to personally appear before this Court to show cause why they should not be cited for contempt of court for failure to obey lawful court orders.
 - e) Costs of this Application are awarded to the Ex-parte Applicant.

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 4TH DAY OF DECEMBER 2025.

M.D. MWANGI



JUDGE

In the virtual presence of:

Mr. Ng'ang'a h/b for Mr. Olubayi for the Ex Parte Applicant

N/A for the Respondents

Court Assistant: Mpoye

