



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. On 22.5.2019, the following orders were issued:

1. Petitioner to file and exchange written submissions with regard to the petition within 14 days of today and the respondents to file and exchange their written submissions within 14 days after the lapse of the period granted to the petitioner.

2. Notice to issue to parties not present in court today.

3. Directions to confirm filing of submissions and to fix a date for judgment on **25th June, 2019**.

2. On **25th June, 2019**, Mr. Murimi Murango told the court that he had filed his written submission that morning. He apologized for filing his written submissions well beyond the time stipulated by the court. He asked the court, with its leave, to deem his written submissions and a further affidavit filed on **20th June, 2019**, as having been properly filed.

3. Mr. Dennis Muthomi, the advocate for the 1st, 2nd and 3rd respondents told the court that he had been served with the petitioner's written submissions in court today, that is on **25th June, 2019**. He asked the court to give him **7 days** to put in his written submissions and to respond to the petitioner's further affidavit filed on **20th June, 2019**.

4. In the interest of justice, I find it reasonable to deem the affidavit filed on **20.6.2019** and the petitioner's written submissions as having been properly filed.

5. The following orders are issued:

(a) Petitioner to ensure that soft copies of the further affidavit filed on **20.6.2019** and of the written submissions are availed to court within the **next 7 days**.

(b) The **1st, 2nd and 3rd respondents** are granted leave to respond to the petitioner's further affidavit filed on **20.6.2019** and to file their written submissions and soft copies thereof within **7 days of today**.

(c) Parties will, by consent, come to court to confirm compliance with the orders issued by the court today on **10th July, 2019**

Delivered in open Court at Chuka this 25th day of June, 2019 in the presence of:

CA: Ndegwa

Murimi Murango for the Petitioner

Dennis Muthomi for 1st, 2nd and 3rd Respondents

P.M. NJOROGE

JUDGE