



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MILIMANI**

**ELC L PETITION NO. E061 OF 2022**

**IN THE MATTER OF ARTICLES 3(1), 10, 22(1) AND (2) (a)  
AND 165(3) OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF RIGHTS  
AND FUNDAMENTAL FREEDOMS UNDER ARTICLE 40 READ  
WITH 260 OF THE CONSTITUTION OF THE REPUBLIC OF  
KENYA**

**AND**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF THE  
RIGHTS AND FUNDAMENTAL FREEDOMS UNDER ARTICLE  
19, 20, 21(1), 24, 25(a), 26, 27, 40 AND 47 OF THE  
CONSTITUTION OF THE REPUBLIC OF KENYA**

**AND**

**IN THE MATTER OF THE LAND ACQUISITION ACT (CHAPTER  
295 OF THE LAWS OF KENYA (NOW REPEALED))**

**AND**

**IN THE MATTER OF THE LAND ACT 2012**

**AND**

**IN THE MATTER OF THE KENYA AIRPORTS AUTHORITY ACT  
(CHAPTER 395 LAWS OF KENYA)**

**AND**

**IN THE MATTER OF L.R. NO 7075/3 WITHIN JOMO  
KENYATTA**

**INTERNATIONAL AIRPORT (JKIA) LAND L.R. NO. 21919**

**BETWEEN**

**LITHA KATUMBI KATHUMBA AND**

**AMINA MBULA KATHUMBA (Suing as Legal Representative**

**Of the estate of the late John Kathumba Makuthi**

**.....PETITIONER**

**=VERSUS=**

**KENYA AIRPORTS AUTHORITY.....1<sup>ST</sup>**

**RESPONDENT**

**THE CABINET SECRETARY, MINISTRY OF LAND**

**AND PHYSICAL PLANNING.....2<sup>ND</sup>**

**RESPONDENT**

**THE ATTORNEY GENERAL.....3<sup>RD</sup>**

**RESPONDENT**

## **RULING**

1. The dispute herein involves the law firms of Echessa Bwire & Co Advocates and E.W Kamuyu & Co Advocates, each asserting that it is duly instructed to represent the Petitioners.
2. The contest has resulted in uncertainty about who is duly on record.
3. An Advocate derives authority from the client's instructions. When a dispute arises regarding representation, the Court's primary duty is to determine who holds valid instructions. Where representation is contested and cannot be resolved from the record alone, the Court may require clarification from the litigant. In the matter at hand, each Advocate claims to have valid instructions. The dispute goes to the root of the proceedings because any step taken by an Advocate without authority would be a nullity.
4. The court finds that the most prudent course in the circumstances is to determine the true position from the Petitioners.
5. In light of the foregoing, the Petitioners shall attend court to confirm the Advocate duly instructed to act on their behalf.

**RULING SIGNED, DATED, AND DELIVERED VIA MICROSOFT TEAMS THIS 20<sup>TH</sup> DAY OF FEBRUARY, 2026.**

.....

**HON. T. MURIGI  
JUDGE**

**IN THE PRESENCE OF:**

Ndegwa holding brief for Bwire for the Petitioner.

ORIGINAL