



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
ELC PETITION NO. E014 OF 2025

BETWEEN

JAMES KIRAGU
ANDREW MURUGU MAINA
NJOKI NJIRAINI.....
.....PETITIONERS

(As Members of Kentmere Residents Association, suing on their own behalf and on behalf of the Residents of Kentmere, Redhill, Tigoni and Riara)

Versus

REGISTERED TRUSTEES OF THE YOUNG MENS' CHRISTIAN ASSOCIATION.....1ST
RESPONDENT

THE KENYA YOUNG MENS' CHRISTIAN ASSOCIATION.....2ND
RESPONDENT

COUNTY EXECUTIVE COMMITTEE MEMBER.....3RD
RESPONDENT

THE COUNTY GOVERNMENT OF KIAMBU.....4TH
RESPONDENT

RULING

1. Through this Ruling, I am handling two parallel applications one dated 7/8/2025 seeking temporary interlocutory injunction/status quo against the Respondents brought pursuant to Order 40 Rules 1 & 2 of the Civil Procedure Rules, 2010 Articles 22(1), 22(2), 23(3), 42, 48, 69(1)(d), 70 & 159 of the Constitution of Kenya, 2010).
2. The second application is dated 3/09/2025 and it seeks to have the 1st and 2nd Respondents together with their Directors namely; Mrs Julia Mbae, Mrs Joan Muoti, Alfred Lulu, John Ombija, Patrick Kaptwany Njamet, Pius K Ng'ang'a and Jared N. Musima to be found to be in contempt and to be punished for disobeying the Court orders issued on 13/08/2025 directing the status quo on the suit properties to be maintained.
3. Both applications are opposed and the officials of the 1st, 2nd, 3rd and 4th Respondents who filed Replying Affidavits sworn on 28/08/2025, 28/11/2025 and 22/09/2025 for the application dated 7/08/2025. Further, the 1st and 2nd Respondents filed a joint Replying Affidavit sworn on 22/10/2025 by Jared Musima, National General Secretary and Chief Executive Officer of the 1st and 2nd Respondents.
4. The dispute herein pits the Kentmere Residents Association against the YMCA Trustees and the Kiambu County Government.
5. Through the Notice of Motion Application dated 7/08/2025, Petitioners (Kentmere Residents Association) seek to halt the

subdivision and sale of land (formerly LR 154/34 and 154/36) in Kiambu County.

6. The Petitioners claim that the land is a public-benefit asset held in trust for education. The ongoing subdivision into 51 plots is an illegal land grab facilitated by irregular County approvals and a lack of public participation.
7. On their part the Respondents aver that the land is private. The YMCA is a Private Benefit Organization (PBO) entitled to liquidate assets. The County Government, the 4th Respondent on its part affirms that all statutory planning and environmental thresholds were met.
8. The Petitioners contend that the land was donated by well-wishers to be held in trust by the 1st and 2nd Respondents (YMCA Trustees/NGO) specifically for educational and charitable purposes (Limuru Boys Centre). They argue that the current residential development of 51 sub-plots is a breach of that trust and a threat to the environment (Article 70).
9. The 4th Respondent (County) in its response has relied on the fact that a PPA 2 (Notification of Approval) was issued and so according to the 4th Respondent, the approval was done regularly.
10. The 1st and 2nd Respondents have taken the position that the land is private property and that as Trustees, they have the Statutory Power under the Trustees Act to sell assets to further the Trust's goals. They maintain they have

followed all legal steps, including obtaining NEMA and County approvals, and that the Petitioners are strangers to the Trust with no legal standing (*locus standi*).

11. The parties were directed to file their submissions which Petitioners filed dated 06/11/2025.
12. The gist of the Petitioners' submissions is that the Respondents' actions are illegal because it is a breach of trust, that the land was donated strictly for religious, educational or charitable purposes. Thus, subdividing them and selling for commercial use violate the Certificate of Incorporation.
13. Further, the Petitioners submit that the Respondents failed to obtain a proper consent for change of user under the Land Control Act. At the same time, they breached the Physical and Land Use Planning Act, 2019 regarding advertising since notice was only in one newspaper and was illegible. This is because under the Physical and Land Use Planning Act, 2019 (No. 13 of 2019) and associated 2021 Regulations, a developer is generally required to advertise development proposals such as change of user or development applications in at least **two newspapers of national circulation**.
14. The Petitioners also allege that the Respondents' documents are questionable, noting that Letters of Objection were dated after the alleged approvals. Further one of the Respondent's Affidavits is post-dated November 2025, which

the Applicants argue makes it legally void under the Oaths and Statutory Declarations Act.

15. Regarding irreparable and substantial harm, the Petitioners contend that if the injunction is not granted, there shall be environmental damage since construction will cause irreversible harm to a sensitive water catchment ecosystem as evidenced by the expert report marked as **'Exhibit JK-8'**. They further submit that there will be loss of the subject matter if the land is sold to third parties. Meaning that the substratum of the suit vanishes, making any future Court victory meaningless or nugatory.
16. On the balance of convenience, the Petitioners submit that it is more prudent to pause development now. They maintain that the harm caused by illegal construction and land sales far outweighs any inconvenience to the Respondents caused by a temporary delay.
17. The Petitioners relied on the cases of **Giella v Cassman Brown & Co Ltd [1973] KLR**, which is the leading authority where the Court established the three-limb test for injunctions: which is the Prima facie case, irreparable harm, and balance of convenience. They also relied on **Kiragu & 2 Others v County Govt of Nairobi [2021] KEHC 13317 (KLR)**, in which the Court defines the minimum requirements for public participation; used to show the Respondents failed to consult the public.

18. The other case relied on is the Court of Appeal case of **Mary Gathoni v Frida Ariri Otolu [2020] eKLR Civil Appeal 66 of 2019** which the Petitioners used to argue that a post-dated Affidavit is invalid and cannot be considered by the Court. And finally, the case of **Shimmers Plaza Ltd v National Bank of Kenya [2015] KECA 945 (KLR)** which they used to establish that knowledge of the suit is sufficient; the Respondents cannot hide behind the fact that they have already subdivided the land.
19. The Petitioners also referred to the Constitution of Kenya Articles 42 & 70 which they argued grants the right to a clean and healthy environment and allows any person to sue even if a violation is only likely threatened and the Physical and Land Use Planning Act (2019) which they emphasized that it does set mandatory procedures for development approvals and public advertisements.
20. On their part the Respondents' submissions dated 17/12/2025, gives a brief factual analysis of the case they state that the Respondents argue that the Applicants' request for an injunction is a frivolous attempt to interfere with the management of private property. They maintain that as legal owners, they have the statutory right to sell or develop the land to benefit the Trust. They further contend that the environmental claims are speculative and that all necessary government approvals, including from NEMA have been obtained.

21. The submissions by the 1st and 2nd Respondents embody arguments that are framed to systematically dismantle the three limbs of the **Giella v Cassman Brown [supra]** test.
22. It is the Respondent's submission that on the prima facie test, they argue that there is no probability of success based on the fact that under **Sections 13(1) and 17 of the Trustees Act (Cap 167)**, the Respondent has the legal authority to sell property to raise funds. They argue that even if a trust deed is silent, the Court can sanction such dealings if they benefit the beneficiaries.
23. They have also raised an issue of *locus standi*, and in their submissions they argue that the Petitioners are strangers to the Trust. Since they have no proprietary interest (ownership) in the land, they have no legal standing to sue for a breach of fiduciary duty. They further assert that the subdivision and development are not illegal because they have been approved by relevant agencies (NEMA and the 4th Respondent).
24. They have cited **Anarita Karimi Njeru v Republic [1979]eKLR** and argued that the Petitioners failed to state with specificity exactly how their constitutional rights are being violated thus their claim is vague and so there is no prima facie case established.
25. At the same time, they submitted that the Petitioners failed to show irreparable harm and termed their claim to be speculative versus actual injury. They argue that the

Petitioners have unfounded fear and this is not enough to prove harm. That they have provided no evidence of destructive activities. Because NEMA has approved the works, the Respondents argue the claim of irreversible environmental degradation is factually incorrect.

26. On the balance of convenience, the Respondents argue that they are the ones who will suffer serious financial and reputational risk if the project stalled. That since the project is legally sanctioned it is their submission that the injustice of stopping a lawful development outweighs the injustice of letting it proceed.

27. They have relied on **Giella v Cassman Brown [supra]**, which they acknowledged as the standard test for injunctions, **Mrao v First American Bank (Civil Appeal 39 of 2002) [2003] KECA 175 (KLR) (7 March 2003) (Judgment)** from which they defined a *prima facie* case as one where a right has clearly been infringed, requiring a rebuttal. The other case they referred to is **Kibathi v Kibathi (Originating Summons E014 of 2022) [2022] KEELC 3560 (KLR) (19 May 2022) (Judgment)** where the Court affirms that Trustees have the power to alienate/sell trust property if it is in the interest of the beneficiaries.

28. Further they relied on **Anarita Karimi Njeru v R [supra]** where they submitted that the Court in this case establishes that constitutional claims must be pleaded with specificity and precision, not generalities. Additionally, they referred to

the case of **Nguruman Limited v Jan Bonde Nielsen & 2 Others [2014] KECA 606 (KLR)** and submitted that the Court holds that speculative injury is insufficient for an injunction; the harm must be actual and substantial. Additionally, they referred to the case of **Films Rover International Ltd v Cannon Film Sales Ltd [1986] 3 All ER 772** where they submitted that the Court states one must look for the path that carries the lower risk of injustice if the final trial goes the other way. They also referred to Trustees Act (Cap 167).

Legal Analysis and Determination

29. Having considered the pleadings, Affidavits and submissions the Court finds that the issues for determination in the application dated 7/08/2025 are:

i. Whether the Applicants have met the threshold for granting of an order of injunction;

ii. Who pays the cost of the application?

30. The Respondents rely on the indefeasibility of title. However, registration does not extinguish a trust. As held in **Hosanna Dairy Farm Limited v. Simon Sanganyi & 2 Others [2019] eKLR**, the Court noted that even a registered owner holds land subject to the interests of the beneficiaries if a trust is proven. The Respondents' own incorporation documents limit land use to **religious, educational or charitable** purposes, (emphasis added) creating a strong *prima facie* case of a **Restrictive Trust**.

This clearly creates a dichotomy between the Trust and the Absolute Ownership claim.

31. The Petitioners exposed a chronological impossibility where approvals having been done in May 2024 predating the No Objection letters issued in August 2024. In **Republic v. County Government of Kiambu Ex parte Robert N. Gakuru & Others [2016] eKLR**, the Court emphasized that administrative actions must follow the due process of law. If the paperwork is backdated or inconsistent, **the Presumption of Regularity** usually enjoyed by government documents as stated in Section 121 of the Evidence Act is rebutted because the procedural integrity of approvals is in question.
32. Administrative regularity ensures that the procedure was followed (e.g. proper forms, notice given). A focus on fact looks at the substantive truth behind the decision, such as whether the evidence supported the conclusion reached. In the instant case the chronology of events rebuts the claim of administrative regularity by the 3rd and 4th Respondents.
33. The Respondents claim a single newspaper notice was enough. However, the **Supreme Court in British American Tobacco Kenya, PLC (formerly British American Tobacco Kenya Limited) v Cabinet Secretary for the Ministry of Health & 2 Others [2019] KLR** established that public participation must be real and not

illusory. For a project of this scale, a small, illegible notice may not meet the constitutional threshold.

34. In fact, under the **Physical and Land Use Planning Act (PLUPA) 2019**, advertisements for subdivision, construction and associated public participation projects should generally be carried in at least two newspapers of National circulation and in the Kenya Gazette.

35. Now on the first issue, whether the Applicants have satisfied the three-limb test in **Giella v. Cassman Brown & Co. Ltd [supra]**.

36. The Court finds that the Petitioners have established a serious question to be tried. The contradiction between the Trust's charitable mandate and the commercial subdivision into 51 residential plots suggests a potential breach of fiduciary duty. The Respondents' failure to explain the discrepancy in their approval dates (May vs. August) further strengthens the Applicants' case.

37. The Respondents argue that damages are adequate citing their Kesh 1 Billion investment. However, the Court is guided by the Precautionary Principle and Article 70 of the Constitution. As stated in the international case of **Leatch v National Parks and Wildlife Service (1993) 81 LGERA 270 (Australia)**:

"Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for

postponing measures to prevent environmental degradation."

38. Once the land is sold to third parties and "stone buildings" are erected, the character of the public trust land is lost forever. Money cannot buy back a community's educational heritage or a water catchment area.

39. On the balance of convenience, it is my opinion that the Respondents face financial loss due to delay, but the Public faces permanent loss of a resource. As per **American Cyanamid Co v Ethicon Ltd [1975] UKHL 1**, the Court must act to preserve the status quo. It is better to stop a project that might be illegal than to allow an illegal project to finish.

40. I will now turn to the second Notice of Motion Application dated **03/09/2025** where the Petitioners moved the Court under Order 40 Rule 3 of the Civil Procedure Rules and Article 159 of the Constitution.

41. The Petitioners allege that the Court on 13/08/2025 issued an order for status quo to be maintained on land parcels LR No. 154/33, 154/34 and LR 154/36. That despite being served with the order containing a penal notice, the Respondents willfully continued construction. Therefore, they aver that a finding of contempt against the 1st and 2nd Respondents and their Directors including Jared Musima the General Secretary and Chief Executive Officer and issuance

of appropriate punishment/sanction which will be enforced by OCS Tigoni would be appropriate.

42. The 1st and 2nd Respondents vide a joint Replying Affidavit dated 22/10/2025 sworn by Jared Musima, oppose the application on two primary grounds and deposed that for them they interpreted status quo to mean maintaining the state of affairs as they were. Since they were already building, they believed they could continue. They distinguish status quo from a temporary injunction.

43. Further they claim that the titles mentioned in the order no longer exist because the land was subdivided. Therefore, they argue the order is incapable of performance or is misdirected.

44. The application was equally canvassed by way of written submissions. My perusal of the records show that the Respondents never filed any submissions. However, on their part the Petitioners filed written submissions dated 11/11/2025.

45. The gist of their submissions are anchored on the preservation of the subject matter. They cited Black's Law Dictionary, Butterworth's 9th Edition, which defines *status quo* as a Latin word which means "***the situation as it exists***". They contend that continuing construction changes that state, thus violating the order. Further they argue that the Respondents cannot rely on subdivision of titles to

escape the Court's reach especially since the Respondents were the ones who created the subdivisions.

46.They emphasize that Court orders are not mere suggestion and must be obeyed to maintain the dignity of the Judiciary.

47.The Petitioners relied on the cases of **Republic v National Environment Tribunal, Ex-parte Palm Homes Limited & Another [2013] eKLR**, Odunga J. noted:

“When a Court of law orders or a statute ordains that the status quo be maintained, it is expected that the circumstances as at the time when the order is made or the statute takes effect must be maintained. An order maintaining status quo is meant to preserve the existing state of affairs ... Status quo must therefore be interpreted with respect to existing factual scenario ...”

48.They also considered the case of **Kenya Airline Pilots Association (KALPA) v Co-operative Bank of Kenya Limited & Another [2020] eKLR**, where the Court explained the purpose of a status quo order and held that it is to:

“Safeguard the situation so that the substratum of the subject matter of the dispute before it is not so eroded or radically changed or that one of the parties before it is not so negatively prejudiced that the status quo ante cannot be restored thereby rendering nugatory

its proposed decision.”

49. Whereas another case they relied on is **Kenya Tea Growers Association Vs Francis Atwoli and 5 Others [2012] eKLR Lenaola J** (as he then was) cited with approval the case of **Clarke and Others Vs Chadburn & Others [1985] 1All E.R (PC), 211** in which the Court observed:

“I need not cite authority for the proposition that it is of high importance that orders of the Courts should be obeyed, willful disobedience to an order of the Court is punishable as a contempt of Court, and I feel no doubt that such disobedience may properly be described as being illegal even if the Defendants thought that the injunction was improperly obtained or too wide in its terms, that provides no excuse for disobeying it. The remedy is to vary or discharge it.”

50. Therefore, the Petitioners aver that the 1st and 2nd Respondents cannot honestly feign ignorance as to the meaning and intention of this Honourable Court in its Orders of 13th August 2025.

51. On their part the 1st and 2nd Respondents, the legal submissions they filed dated 02/02/2026 opposed the application to cite their Directors/Officials for contempt of Court. Their primary argument is that they did not violate

the status quo order issued on 13/08/2025, because construction was already ongoing at the time the order was made.

52. The Respondents argue that a "status quo" order preserves the state of affairs as they exist at the moment the order is issued. They referred to the case of **Daniel Kinyanjui Gitau & 227 Others v Mary Ruguru Njoroge [2020] eKLR** to explain themselves where it was found that the Court must interpret the specific meaning of "status quo" based on the existing facts of the case.

53. At the same time, they referred to Court of Appeal decision in **Shimmers Plaza Limited v National Bank of Kenya Limited [2015] eKLR** where the Court of Appeal gave a definition of status quo:

"Status quo in normal English parlance means the present situation, the way things stand as at the time the order is made, the existing state of things."

54. With regard to the question of contempt, the Respondents submit that the Petitioners have not met the legal criteria to prove contempt and they quote the cases of **Micheal Sistu Mwaura Kamau v DPP & 4 Others [2018] eKLR**, **Jihan Freighters Ltd v Hardware & General Stores Ltd (Environment & Land Case 83 of 2014) [2022] KEELC 15165 (KLR) (6 December 2022) (Ruling)** and **A.B. & Another v R.S. [2016] eKLR**.

55. On the standard of proof for contempt it is the Respondents' submissions that because contempt is quasi-criminal, the level of evidence required is very high although not like Criminal Cases but certainly higher than on a balance of probability. They relied on the cases of **Geoffrey Kathuri Kison & 10 Others v East African Portland Cement Co. Ltd & 5 Others [2021] KECA 1043 (KLR)**, **Mutitika v Baharini Farm Limited [1985] KLR 229**, and **Re Bramblevale Ltd [1970] 1 Ch 128**.

Legal Analysis and Determination

56. I have considered the application and the material on record.

57. In my view it is important to examine the current status of the legal regime relating to contempt in this country.

58. In contempt of Court matters, the first port of call with respect to the procedure for institution contempt of Court proceedings in this country is Section 5 of the Judicature Act Cap 8 Laws of Kenya which Section provides:

“(1) The High Court and the Court of Appeal shall have the same power to punish for contempt of Court as is for the time being possessed by the High Court of Justice in England, and that power shall extend to upholding the authority and dignity of subordinate Courts.

(2) An order of the High Court made by way of punishment for contempt of Court shall be

appealable as if it were a conviction and sentence made in the exercise of the ordinary original criminal jurisdiction of the High Court.”

59. The matter before this Court is a Notice of Motion dated 3/09/2025, wherein the Petitioners/Applicants seek to cite the Directors and Officials of the 1st and 2nd Respondents for Contempt of Court. The application is grounded on the alleged willful disobedience of this Court's Orders issued on **13/08/2025**, which directed that the *status quo* be maintained regarding the suit premises, specifically **LR Nos. 154/33, 154/34 and 154/36**.

60. According to Black's Law Dictionary, 9th Edition at page 360:

“Contempt is a disregard of, disobedience to, the rules or orders of a legislative or judicial body, or an interruption of its proceedings by disorderly behaviour or insolent language, in its presence or so near thereto as to disturb the proceedings or to impair the respect due to such a body.”

61. The Petitioners contend that the Respondents were duly served with the Court Order, which included a Penal Notice. Despite this, the Petitioners provided photographic evidence and Affidavits by James Kiragu asserting that construction on the suit premises continued unabated.

62. The Petitioners argue that the term "*status quo*" must be interpreted in its factual context meaning a total cessation of

the disputed activity which is construction. They have placed reliance on **Section 5(1) of the Judicature Act** and the principle in **Teachers Service Commission v Kenya National Union of Teachers [2013] eKLR**, that Court orders are not made in vain and must be obeyed.

63. While opposing the application the Respondents have cited two main technical grounds the first being the ambiguity of status quo. They argue that since they were already constructing when the order was made, maintaining the status quo meant continuing the existing state of affairs (i.e continuing construction). They cite **Shimmers Plaza Limited v National Bank of Kenya Limited [supra]** to support this literal interpretation. The second point is the issue of subject matter identity. They claim that the original LR numbers no longer exist due to subdivisions and since the Order did not explicitly mention resultant subdivisions, they are not in breach.

64. From my understanding of *status quo*, the Respondents' interpretation that *status quo* allows for the continuation of a disputed act is legally untenable. In **Republic v National Environment Tribunal, Ex-parte Palm Homes Limited [2013] eKLR**, the Court clarified that *status quo* is intended to **preserve** the situation to prevent the subject matter of the suit from being eroded.

65. The English case of **Clarke v Chadburn [1985] 1 All ER 211** establishes that even if a party believes an order is too

wide or wrongly obtained, they must obey it first and challenge it later. One cannot take it upon themselves to interpret an order in a way that defeats its very purpose.

66. The Respondents' argument that the subdivision of the land into new titles exempts them from the Order is a classic technicality used to defeat justice. Kenyan Courts have consistently held that a party cannot benefit from their own actions taken to circumvent the law. In the South African case of **Pheko and Others v Ekurhuleni Metropolitan Municipality [2015] ZACC 10**, the Constitutional Court held that:

"The rule of law is the very foundation of our constitutional order ... Disobedience to a Court order is a violation of that foundation."

67. The Respondents were aware that the suit property remained the same, regardless of the change in title numbers they themselves initiated.

68. Contempt is a quasi-criminal matter. The standard of proof is higher than a balance of probabilities but not as high as "beyond reasonable doubt." As held in **Mutitika v Baharini Farm Limited [1985] KLR 229**, the Court must be satisfied that the disobedience was willful and deliberate.

69. The law that governs contempt of Court proceedings is the English Law applicable in England at the time the contempt was committed. The procedure in the High Court of Justice in England was considered in detail by the **Court of Appeal in**

Christine Wangari Gachege vs. Elizabeth Wanjiru Evans & 11 Others [2014] eKLR. In that case the Court recognised that the only statutory basis for contempt of Court law in so far as the Court of Appeal and the High Court are concerned is Section 5 of the Judicature Act.

70. In my considered view, Court orders are not made in vain and are meant to be complied with. If for any reason a party has difficulty in complying with Court orders the honourable thing to do is to come back to Court and explain the difficulties faced by the need to comply with the order. Once a Court order is made in a suit the same is valid unless set aside on Review or on Appeal. In **Econet Wireless Kenya Ltd vs. Minister for Information & Communication of Kenya & Another [2005] 1 KLR 828 Ibrahim, J** (as he then was) stated:

“It is essential for the maintenance of the rule of law and order that the authority and the dignity of our Courts are upheld at all times. The Court will not condone deliberate disobedience of its orders and will not shy away from its responsibility to deal firmly with proved contemnors. It is the plain and unqualified obligation of every person against, or in respect of whom, an order is made by a Court of competent jurisdiction, to obey it unless and until that order is discharged. The uncompromising

nature of this obligation is shown by the fact that it extends even to cases where the person affected by an order believes it to be irregular or void”

71. In **Central Bank of Kenya & Another vs. Ratalal Automobiles Limited & Others Civil Application No. Nai. 247 of 2006**, the Court of Appeal held that judicial power in Kenya vests in the Courts and other Tribunals established under the Constitution and that it is a fundamental tenet of the rule of law that Court orders must be obeyed and it is not open to any person or persons to choose whether or not to comply with or to ignore such orders as directed to him or them by a Court of law. The consequences of failure to obey Court orders are that any action taken in breach of the Court order is a nullity and of no effect.

72. Similarly, in **Awadh vs. Marumbu (No 2) No. 53 of 2004 [2004] KLR 458**, it was held that:

“It must be remembered that Court orders must be obeyed at all times in order to maintain the rule of law and good order. This of course means that the authority and dignity of our Courts must be upheld at all times and this differentiates civilised societies from those applying the law of the jungle at times referred to as banana republics. It is the duty of the Court not to

condone deliberate disobedience of its orders nor waiver from its responsibility to deal decisively and firmly with the approved contemnors.”

73. In the instant matter this Court finds that the Respondents' continued construction was a clear act of defiance. The claim that they misunderstood *status quo* to mean continue building is a mala fide (bad faith) attempt to bypass a judicial directive. If the Respondents were in doubt, the proper course of action was to seek clarification from the Court, not to proceed with the very act the Petitioners were seeking to stop.

74. By continuing to build on a sensitive water catchment area and ignoring a Penal Notice, the Respondents have struck at the heart of the Rule of Law and the dignity of this Court.

Final Disposal Orders for both Applications

1) A Temporary Injunction is hereby issued restraining the 1st and 2nd Respondents from further subdividing, selling, transferring, or developing LR 154/33, 154/34 and 154/36 (including the new amalgamated Title IR 20118) pending the hearing of the Petition.

2) The OCS Tigoni Police Station is directed to ensure compliance with this order and stop any ongoing construction on the site.

3) The 2nd Respondent's Affidavit, Jared Musima is hereby struck out for being post-dated and

contravening the Oaths and Statutory Declarations Act.

4) Costs of the Notice of Motion Application dated 7/08/2025 shall abide the outcome of the Petition.

5) Pre-trial Conference date and further directions on 23/03/2026.

Further

6) The Application dated 3rd September 2025 is hereby merited.

7) The Directors of the 1st and 2nd Respondents are found to be in contempt of Court.

8) The Contemnors are hereby ordered to appear before this Court on 10/03/2026 for mitigation and sentencing.

9) A mandatory injunction is hereby issued compelling the Respondents to stop all construction works on the suit premises (including all resultant subdivisions) immediately.

10) Costs of this application are awarded to the Petitioners.

Orders Accordingly.

DATED, SIGNED AND DELIVERED IN VIRTUAL COURT AT THIKA THIS 23RD DAY OF FEBRUARY, 2026.

.....
MOGENI J.
JUDGE

In the presence of:-

..... for the Petitioners
..... for 1st Respondent
.....for 2nd Respondent
.....for 3rd Respondent
.....for 4th Respondent
Melita..... Court Assistant

.....
MOGENI J.
JUDGE