



Ngari & another v Igembe Tea Factory Co Ltd & 2 others (Constitutional Petition E007 of 2026) [2026] KEHC 2436 (KLR) (24 February 2026) (Directions)

Neutral citation: [2026] KEHC 2436 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CONSTITUTIONAL PETITION E007 OF 2026**

HM NYAGA, J

FEBRUARY 24, 2026

**IN THE MATTER OF ARTICLE 22, 23, 27 AND
47 OF THE CONSTITUTION OF KENYA, 2010**

AND

IN THE MATTER OF HTE FAIR ADMINISTRATIVE ACTION ACT, 2015

AND

IN THE MATTER OF THE COMPANIES ACT, 2015

**AND IN THE MATTER OF THE DECISION BY THE 1ST RESPONDENT TO INTRODUCE
A REQUIREMENT OF 5,000 KILOGRAMS OF TEA IN ONE ELECTROL AREA**

BETWEEN

JONAH MITHKA NGARI 1ST PETITIONER

JOSEPHAT KIRIMI MINYORI 2ND PETITIONER

AND

IGEMBE TEA FACTORY CO LTD 1ST RESPONDENT

KTDA MANAGEMENT SERVICES LIMITED 2ND RESPONDENT

KENYA TEA DEVELOPMENT AGENCY (KTDA) 3RD RESPONDENT

DIRECTIONS

Directions

1. I had certified the matter urgent given the nature of the orders sought by the petitioners/applicants.



2. I have had the advantage of perusing the affidavit in response which was filed this morning.
3. The petition and the application on one side and the response on the other, contain many factual issues, that require the court to peruse over all the documents tendered. As at this stage, it is not possible to do so.
4. What is apparent is that the company belongs to farmers, many of whom may have already made plans to attend the elections.
5. Given the timing of the elections scheduled for tomorrow, I am of the view that it would not be proper to stop the same from taking place since there are other areas covered that do not affect the applicants.
6. I am also minded that if the elections are held and the results confirmed, the petition by the petitioners is likely to be rendered moot or just an academic exercise.
7. Consequently, pending the determination of the application, the following orders/directions do issue:
 - a. The scheduled elections of the 1st respondent shall proceed on 25/2/2026.
 - b. That the results of the said elections shall not take effect and shall not be transmitted to the Registrar of Companies until this court has given further orders/directions.
 - c. The Registrar of Companies is not to endorse the said results until further orders are given by the court.
 - d. The petitioner/applicants are granted leave to file and serve a supplementary affidavit and submissions within the next 14 days.
 - e. Respondents to file submissions within 14 days after service of the applicants' submissions.
 - f. Mention for compliance and further orders on 24/3/2026.

DATED, SIGNED AND DELIVERED ON THIS 24TH DAY OF FEBRUARY, 2026

HON. H. M. NYAGA

JUDGE

