

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KIAMBU**

**CONSTITUTIONAL PETITION NO.E073 OF 2015**

IN THE MATTER OF: ARTICLES 2, 3, 19, 20, 21, 22, 23, 24, 165, 258 AND 259 OF THE  
CONSTITUTION OF KENYA

**AND**

IN THE MATTER OF: THE COUNTY GOVERNMENTS ACT, 2012

**AND**

IN THE MATTER OF: THE RIGHT TO EDUCATION UNDER ARTICLE 53 OF THE  
CONSTITUTION OF KENYA, 2010

**AND**

IN THE MATTER OF: PRUDENT USE OF PUBLIC RESOURCES UNDER ARTICLE  
201 OF THE CONSTITUTION OF KENYA, 2010

**AND**

IN THE MATTER OF: THE UNLAWFUL AND ILLEGAL DEMOLITION OF THE ST.  
FRANCIS MANG’U ECDE CENTRE

**BETWEEN**

COUNTY GOVERNMENT OF KIAMBU....1<sup>ST</sup> PETITIONER/APPLICANT

COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR EDUCATION, COUNTY

GOVERNMENT OF KIAMBU ..... 2<sup>ND</sup> PETITIONER/APPLICANT

**VERSUS**

HON. ELIJAH NJOROGE KURURIA..... RESPONDENT

**RULING ON DIRECTIONS**

1. On 4<sup>th</sup> March, 2026, this matter came up for mention for parties to confirm compliance of directions issued on 17<sup>th</sup> November, 2025 in respect of a **Notice of Motion** application dated 12<sup>th</sup> November, 2025. The Petitioner’s

counsel then informed this Court that he had served the Respondents with the pleadings herein and there is an **Affidavit of Service** filed on 3<sup>rd</sup> February, 2026 to confirm this but no response had been filed. He thus sought for directions that the interim orders in place be confirmed and the matter to proceed with the hearing and determination of the main Petition.

2. However, the court has looked at the Case Tracking System (CTS) and finds that there is no **Affidavit of Service** filed on 3<sup>rd</sup> February, 2026 or any other date to confirm service upon the Respondent as alleged. For this reason, the court cannot issue any directions on the Petition that could be adverse to the Respondent in absence of proof of service. The court thus directs:-

*a) The Petitioners/Applicants to serve the Respondent and file the Affidavit of Service by close of business today to enable the Respondent file and serve his response within seven (7) days from the date of service.*

*b) Mention on 15<sup>th</sup> April, 2026 for parties to take directions on hearing of the application.*

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU  
THIS 16<sup>TH</sup> DAY OF MARCH, 2026.**

**D. O. CHEPKWONY  
JUDGE**