



**Thange River Basin Resident's Association (Suing on behalf of the Residents of River Thange Basin, Kibwezi Makueni County & 44 others v Kenya Pipeline Company Limited & 5 others (Environment and Land Petition 15 of 2019) [2026] KEELC 1902 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEELC 1902 (KLR)

**REPUBLIC OF KENYA**

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

**ENVIRONMENT AND LAND PETITION 15 OF 2019**

**EO OBAGA, J**

**MARCH 12, 2026**

**IN THE MATTER OF: ARTICLE**

**1,2,3,10,21(1),22,223,28,29,35,40,42,43(1)(D),48,70,159(1),165 AND 258(1)(2)**

**(D) OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF: SECTION 2,108,109 AND 111 OF THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT**

**1999**

**AND**

**IN THE MATTER OF: SECTION 159 OF THE PETROLEUM ACT**

**AND**

**IN THE MATTER OF: RULE 4 OF THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (WATER QUALITY)**

**REGULATION**

**AND**

**IN THE MATTER OF: RULE 4,8,10,11,13,14,20,21 AND 22 OF THE CONSTITUTION OF KENYA (PROTECTION AND FUNDAMENTAL**

**FREEDOM) PRACTICE AND PROCEDURE RULES 2013**

**BETWEEN**



<b>THANGE RIVER BASIN RESIDENT’S ASSOCIATION (SUIING ON BEHALF OF THE RESIDENTS OF RIVER THANGE BASIN, KIBWEZI MAKUENI COUNTY .....</b>	<b>1<sup>ST</sup> PETITIONER</b>
<b>RUFUS MULATYA MUATHE .....</b>	<b>2<sup>ND</sup> PETITIONER</b>
<b>BENSON MAINGI .....</b>	<b>3<sup>RD</sup> PETITIONER</b>
<b>MIKE MUNUVE MUSILA .....</b>	<b>4<sup>TH</sup> PETITIONER</b>
<b>JACKSON NZOMO MUINDI .....</b>	<b>5<sup>TH</sup> PETITIONER</b>
<b>JOHN NYAMAI MUATHA .....</b>	<b>6<sup>TH</sup> PETITIONER</b>
<b>ANTONY KITONGA JAMES .....</b>	<b>7<sup>TH</sup> PETITIONER</b>
<b>JEREMIAH MUINDE NYAMAI .....</b>	<b>8<sup>TH</sup> PETITIONER</b>
<b>BENDETAH MWENDEA .....</b>	<b>9<sup>TH</sup> PETITIONER</b>
<b>NDUKU MWANGANGI .....</b>	<b>10<sup>TH</sup> PETITIONER</b>
<b>MBITHI MWATU .....</b>	<b>11<sup>TH</sup> PETITIONER</b>
<b>KYALO MUTUA .....</b>	<b>12<sup>TH</sup> PETITIONER</b>
<b>MUSYOKI MWATU .....</b>	<b>13<sup>TH</sup> PETITIONER</b>
<b>GEORGE KYALO KAVUU .....</b>	<b>14<sup>TH</sup> PETITIONER</b>
<b>NDUGWA RUFUS .....</b>	<b>15<sup>TH</sup> PETITIONER</b>
<b>JOYCE NTHENYA MULWA .....</b>	<b>16<sup>TH</sup> PETITIONER</b>
<b>HARON MUSYOKA MUINDI .....</b>	<b>17<sup>TH</sup> PETITIONER</b>
<b>SISQO AMBROSE MUINDI .....</b>	<b>18<sup>TH</sup> PETITIONER</b>
<b>PAUL MULILI MAILLU .....</b>	<b>19<sup>TH</sup> PETITIONER</b>
<b>RICHARD KAMUTI MUNGU’UTU .....</b>	<b>20<sup>TH</sup> PETITIONER</b>
<b>FATUMA NDUNGE MWANGANGI .....</b>	<b>21<sup>ST</sup> PETITIONER</b>
<b>MICHAEL KAMULA MALII .....</b>	<b>22<sup>ND</sup> PETITIONER</b>
<b>MOSES WAMBUA PETER .....</b>	<b>23<sup>RD</sup> PETITIONER</b>
<b>KENNETH KILEWA NZIOKI .....</b>	<b>24<sup>TH</sup> PETITIONER</b>
<b>KIOKO NZEMBEI .....</b>	<b>25<sup>TH</sup> PETITIONER</b>
<b>MUASYA NZIOKA .....</b>	<b>26<sup>TH</sup> PETITIONER</b>
<b>TAABU KISAMBO .....</b>	<b>27<sup>TH</sup> PETITIONER</b>
<b>VERNICA MWIKALI KATILI .....</b>	<b>28<sup>TH</sup> PETITIONER</b>
<b>MARIETA KANINI MUTISO .....</b>	<b>29<sup>TH</sup> PETITIONER</b>
<b>DANIEL WAMBUA KIMIZA .....</b>	<b>30<sup>TH</sup> PETITIONER</b>
<b>GRACE PETER .....</b>	<b>31<sup>ST</sup> PETITIONER</b>



PETER NTHANGA JOHN .....	32 <sup>ND</sup> PETITIONER
JOHN KASIMU NDUKU .....	33 <sup>RD</sup> PETITIONER
AGNES NTHENYA MUNYAO .....	34 <sup>TH</sup> PETITIONER
MUTISYA NGIE .....	35 <sup>TH</sup> PETITIONER
JOYCE KIAMBA .....	36 <sup>TH</sup> PETITIONER
JOHN KYULE .....	37 <sup>TH</sup> PETITIONER
MWANZIA MULI .....	38 <sup>TH</sup> PETITIONER
NICODEMUS MULI .....	39 <sup>TH</sup> PETITIONER
SUSAN MULI .....	40 <sup>TH</sup> PETITIONER
URBANUS MUSAU MUYU .....	41 <sup>ST</sup> PETITIONER
MARY MWIKALI .....	42 <sup>ND</sup> PETITIONER
MWANZA KAMUTI .....	43 <sup>RD</sup> PETITIONER
ALEX MUTUA KAMUTI .....	44 <sup>TH</sup> PETITIONER
NAOMI KAIU MUTUA .....	45 <sup>TH</sup> PETITIONER

**AND**

KENYA PIPELINE COMPANY LIMITED .....	1 <sup>ST</sup> RESPONDENT
NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) ....	2 <sup>ND</sup> RESPONDENT
CABINET SECRETARY, MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY .....	3 <sup>RD</sup> RESPONDENT
CABINET SECRETARY, MINISTRY OF HEALTH .....	4 <sup>TH</sup> RESPONDENT
CABINET SECRETARY, MINISTRY OF ENERGY AND PETROLEUM ....	5 <sup>TH</sup> RESPONDENT
HON ATTORNEY GENERAL .....	6 <sup>TH</sup> RESPONDENT

**RULING**

1. This is a ruling in respect of an Originating Summons dated 19<sup>th</sup> May, 2025 in which the Applicants are seeking an order compelling the firm of Maanzo & Co. Advocates to deliver all pleadings, title deeds, claim forms, discharge vouchers crops documents, regional termination notices, list of 396 persons inclusive of the representatives of the petitioners households. They also seek that the firm of Maanzo & Co. Advocates do pay the costs of this application.
2. The Applicants contend that they filed a notice of withdrawal of the petition and notice of delivery of documents which they served upon the firm of Maanzo & Co. Advocates but that the firm of Maanzo & Co. Advocates have declined to release the documents to enable them to file an independent petition.



3. The Applicants state that they have already withdrawn instructions from the firm of Maanzo & Co. Advocates and have since instructed the firm of Muriithi S. Kiragu & Co. Advocates. They contend that failure by the firm of Maanzo & Co. Advocates to deliver the documents to them is curtailing their right to fair hearing as provided under Article 50 of *the Constitution*.
4. They further state that withholding of the documents by the firm of Maanzo & Co. Advocates is limiting their constitutional rights under Article 25c of *the Constitution*.
5. The deponent of the supporting affidavit contends that he had been given authority to plead on behalf of the other Applicants. The Applicants have lost faith in the firm of Maanzo & Co. Advocates.
6. The Applicants' application was opposed by the Respondent through a replying affidavit sworn on 4<sup>th</sup> July, 2025. The affidavit was sworn by Mike Munuve Masila and Jackson Nzomo Muindi who state that they are part of the petitioners in this petition and that they did not authorize Rufus Mulatya Muathe to withdraw instructions from the firm of Maanzo & Co. Advocates.
7. The Respondents state that signatures on the notice of withdrawal of the petition are forgeries. They state that there were no original documents which were handed over to the firm of Maanzo & Co. Advocates as it was only photocopies which were handed over to the firm.
8. The Applicants state that they have never met with any of the Advocates from the firm of Muriithi S. Kiragu & Co. Advocates and that Rufus Mulatya Muathe has no authority to plead on their behalf. They state that the firm of Maanzo & Co. Advocates has spent a lot of money on the petitioners.
9. In a further affidavit sworn on 17<sup>th</sup> July, 2025 the Applicants state that the deponent to the supporting affidavit has authority to plead on behalf of the Applicants which authority has not been revoked. The Applicants state that the deponents of the replying affidavit have not formally instructed the firm of Maanzo & Co. Advocates in compliance with Order 9 Rule 5 of the Civil Procedure Rules.
10. In a further affidavit sworn on 25<sup>th</sup> July, 2025, the Respondents through Mike Munuve Masila and Jackson Nzomo Muindi state that they met Rufus who caused them meet an advocate called Musembi Ndolo who attempted to persuade them from withdrawing instructions from Maanzo & Co. but that they refused. They state that Rufus has been secretly meeting the said advocate based in Nakuru and that the advocate who operates under the name of Muriithi S. Kiragu was once working under the firm of Musembi Ndolo.
11. The Applicants filed their submissions dated 18<sup>th</sup> September, 2025. The Respondents filed their submissions dated 27<sup>th</sup> October, 2025. I have carefully considered the Applicants' application, the opposition thereto by the Respondents as well as the submissions by the parties. The only issue for determination is whether this court should make an order compelling the firm of Maanzo & Co. to deliver the documents which the Applicants are seeking.
12. There is no doubt that the relationship between the Applicants and the firm of Maanzo & Co. Advocates has irretrievably broken down. The Applicants had withdrawn their instructions in writing and subsequently filed a notice of intention to act in person after which they appointed the firm of Muriithi S. Kirageu & Co. Advocates to act for them.
13. There is no doubt that an advocate who has acted for a client who has withdrawn instructions is entitled to his costs. The firm of Maanzo & Co. Advocates has exercised this right by filing an advocate/client bill of costs which is yet to be taxed.



14. The firm of Maanzo & Co. Advocates have relied on the case of Boot Extrusions (formerly Booth Manufacturing Africa Ltd) –vs- Dumbeiyia Nelson Muter Harun t/a Nelson Harun & Co. Advocates (2021) eKLR where it was stated as follows:

“ A review of case law in the context of an advocate – client relationship, will reveal that there is the general lien which confers upon the advocates the right to retain all papers, money or other chattel the property of their client which came into possession of the advocates as their clients’ advocate until all the costs and charges due to the advocates are paid. The lien is general and not restricted to costs owing in respect to the property which respect to the property which the client is claiming possession. It is simply a retaining lien premised upon the advocate having actual physical possession of the property the subject of the lien. The policy underlying liens briefly put is that it would be unfair for a party to enjoy the result of an advocate’s work without paying the advocate and then let the advocate seek payment elsewhere when payment could be easily gathered through the lien. Consequently, an advocate having a retaining lien over documents in her or his possession is entitled to remain the documents against the client until the full amount of his costs is paid”.

15. In as much as the applicants have a right to representation of a lawyer of their choice, equally an advocate who has previously acted for that client is entitled to remuneration for services rendered. As was clearly stated in the case of Boot Extrusions (Supra) the firm of Maanzo & Co. Advocates have alien over the documents held by them until their costs are paid. It is for this reason that I find that the Applicants’ application is devoid of merit. The same is dismissed with costs to the Respondent.

It is so ordered.

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**HON. E. O. OBAGA**

**JUDGE**

Ruling Dated Signed And Delivered Via Microsoft Teams This 12<sup>th</sup> Day Of March, 2026.

In The Presence Of:

Mr. Maanzo, Mr. Hassan and Mr. Mbulu for Petitioners.

Mr. Odongo for 3<sup>rd</sup> to 6<sup>th</sup> Respondents.

Ms. Kauria for Mr. Ngala for 2<sup>nd</sup> Respondent.

Mr. Muriithi for some petitioners.

Mr. Mugun for 1<sup>st</sup> Respondent.

Court assistants – Musyoki and Nyaanga

