

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NYANDARUA

ELCJR NO 3 OF 2023

TIMOTHY MACHARIA.....PLAINTIFF.

VERSUS

PRINCIPAL SECRETARY MINISTRY OF

EDUCATION.....1ST DEFENDANT.

PRINCIPAL SECRETARY MINISTRY OF FINANCE

AND NATIONAL TREASURY.....2ND DEFENDANT.

RULING:

In the Application dated 19/1/2026, the Applicant seeks for orders that: -

- a. A fresh warrant of arrest be issued against the 1st Respondent, Professor Julius Bitok for failing to appear before Court and show cause as directed by this Court vide Order of Mandamus dated 14/10/2021 against the 2nd Respondent, Dr. Charles Kiptoo.
- b. That the said warrants be executed by the County police commander, Nairobi County and the Respondents be produced before this Court for further Directions.
- c. Costs of the Application be in the cause.

The said Application is premised on the grounds that :-

- a. A Notice to show cause to the Principal Secretary Ministry of Education dated 298/11/2022 was issued by this Court.
- b. Similar Notices were issued to the Principal Secretary, Finance and the National Treasury on even date.
- c. Warrants of arrest were issued against the Principal secretaries Education, Finance and the National Treasury all on 23/2/2023.

None of the above was obeyed. An order of mandamus was issued yet the same has also not been compiled with. Court Orders must be obeyed. Courts do not act in vain.

This Application was not opposed nor were the above senior state offices represented in Court when the mater came up in Court severally in Nyahururu nor was there any representation on 19/1/2026, 18/2/2026 and on 26/2/2026. It is important and in the interest of justice that the Applicant be paid what is owed to him by the state since no Appeal was preferred by the 1st to 4th Defendants, Silibwet Primary School Board of Management, County Director of Education Nyandarua, Principal Secretary, Ministry of Education and the Honourable Attorney General respectively way back in 4/10/2018 for the following: -

- i. Compensation for the value of the land at Kshs. 4,000,000/=
- ii. Mesne profits of Kshs. of 1,915,000/=.
- iii. Interest on the above at Court rates.
- iv. To avoid unjust enrichment, the Plaintiff to surrender his certificate of Title for NYANDARUA/SILIBWET/1648 to the state.
- v. Costs of the suit.

Subsequently, costs of the suit were assessed in favour of the Applicant at Kshs. 352,830/=. For the Applicant to wait for the realization of the fruits of his successful Judgment 8 years down the line is a very long time and this is unacceptable. Therefore, I have no hesitation in granting the orders sought in the Application dated 19/1/2026.

Ruling dated, signed and delivered at Nyandarua this 16th Day of April, 2026.

MUGO KAMAU

JUDGE

In the Presence of: -

Court Assistant: Samson.

Applicant's Counsel: Mr. Mwenda.

Defendants' Counsel: N/A.