



**Republic v County Executive, Roads, Public Works, Transport and Housing,
Kisii County & another; Bosire (Ex parte) (Environment and Land Judicial
Review Case 2 of 2024) [2025] KEELC 5559 (KLR) (24 July 2025) (Judgment)**

Neutral citation: [2025] KEELC 5559 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE 2 OF 2024**

**M SILA, J
JULY 24, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

**THE COUNTY EXECUTIVE, ROADS, PUBLIC WORKS, TRANSPORT AND
HOUSING, KISII COUNTY 1ST RESPONDENT**

KISII COUNTY GOVERNMENT 2ND RESPONDENT

AND

TRUPHENA KERUBO BOSIRE EX PARTE

JUDGMENT

1. On 27 July 2024, the ex parte applicant was granted leave to commence judicial review proceedings in the nature of mandamus to compel the respondents to pay the ex parte applicant the sum of Kshs. 1,897,000/= plus costs of Kshs. 316,143/= being the decree in Kisii ELC Petition No. 12 of 2015, Truphena Kerubo Bosire vs County Executive Roads, Public Works, Transport & Housing, and Kisii County Government. The judgment in that petition was delivered on 20 November 2019 and costs were taxed on 30 November 2021. The ex parte applicant sought leave to file the action for mandamus for reason that the decree remained unsettled.
2. The main motion was duly filed and it came up for mention on several occasions with the respondents, through the office of the County Attorney, promising to settle the claim. The promises were not fulfilled. No reply was ever filed and I directed the matter to proceed for hearing.
3. I have seen that indeed the ex parte applicant had sued the respondents in Kisii ELC Petition No. 12 of 2015. In that suit, she averred to be the owner of the land parcel West Kitutu/Bomatara/1474. She



complained that the respondents had trespassed into the land and proceeded to illegally construct a road through it without first compensating her.

4. The ex parte applicant has annexed a decree which shows that the court was persuaded by her case and awarded her the sum of Kshs. 1,897,000/= alongside other orders relating to the land. There is also annexed a ruling dated 30 November 2021 indicating that costs were taxed in favour of the ex parte applicant at Kshs. 307,165/=. I have seen that a Certificate of Order was issued pursuant to Section 21 of the *Government Proceedings Act*, Cap 40, Laws of Kenya. There is a demand dated 2 June 2023 demanding settlement of the monies in the decree. There is consensus that the money remains unpaid.
5. Given the foregoing, I have absolutely no reason, why I should decline to enter judgment in favour of the ex parte applicant as prayed. I allow this suit. I issue an order of mandamus compelling the respondents to forthwith settle the decretal sum in Kisii ELC Petition No. 12 of 2015, being the sum of Kshs. 1,897,000/= plus costs of Kshs. 307, 165/= together with all accrued interest until settlement in full. The ex parte applicant shall also have the costs of this suit together with interest at court rates.
6. Judgment accordingly.

DATED AND DELIVERED THIS 24 DAY OF JULY 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

Delivered in the presence of :

Mr. Nyachiro for the ex parte applicant

No appearance on part of the County Attorney, Kisii, for the respondents

Court Assistant – Michael Oyuko

