



**Katilem (Suing as Administrator of the Esttae of Tongolik Katilem)
v County Government of West Pokot (Environment and Land Case
33 of 2019) [2025] KEELC 5493 (KLR) (23 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5493 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT AND LAND CASE 33 OF 2019**

**CK NZILI, J
JULY 23, 2025**

BETWEEN

**ALICE CHEMINING KATILEM (SUING AS ADMINISTRATOR OF THE
ESTTAE OF TONGOLIK KATILEM) PLAINTIFF**

AND

THE COUNTY GOVERNMENT OF WEST POKOT DEFENDANT

RULING

1. The court is asked to issue an order directing the OCS Lomut Police Station to provide security and assistance to the applicant, her surveyors or valuer during the survey, assessment and valuation exercise, for purposes of implementing the decree for the compulsorily acquired land. The application is based on an affidavit of Alice Chemining Katilem, sworn on 21/5/2025. She has attached the decree dated 29/11/2023. The applicant deposes that the respondent has neglected to comply with the decree, hence the need to implement it through access and visit to the 7 acres of land by the surveyor and valuer.
2. The motion is opposed through grounds of opposition dated 30/5/2025, for being defective, incompetent, lacking merits, raising no triable issues or evidence to sustain the reliefs sought.
3. The applicant relies on written submissions dated 23/6/2025, attaching the case law of *Claire Adamba Okanga v Godfrey Gichuki Waiharo*, Civil Appeal No. 69 of 2012 cited in *Namu Wachira & Others v Njeru Wachira* [2015] eKLR, and *Republic v Registrar of Societies*, Misc, Civil Appl. JR. No. 24 of 2014 (Mombasa). The applicant invokes Section 1A, 1B, 3A and 34 of the *Civil Procedure Rules*, that there is need for security to ensure that the decree is not rendered nugatory.
4. What the applicant is seeking is assistance to effectuate paragraph (1) of the decree issued by this court on 29/11/2023. The respondent has not disputed that it has failed to comply with relief number 1(a), (b) and (c), hence the invocation of the assistance of the OCS for security to access, visit, survey and



prepare a report for use by this court to ensure that its decree was not made in vain. The resistance of the application by way of grounds of opposition simply means that the respondent is not willing to comply with the decree.

5. The decree has not been stayed, reviewed and or set aside. Frustrating the execution of a lawful decree cannot be entertained by this court. In *Kimutai Lelei v Hosea Bittok & Another* [2021] eKLR, the court held that the enforcement of the decree required police supervision to ensure peace. A party who has succeeded is entitled to the fruits of his judgment. Therefore, I find merits in the application. It is allowed. The OCS Lomut Police Station is directed to provide enough security on a date to be agreed upon for the exercise to be carried out on the suit land. The expenses and costs of the exercise by the officers concerned shall be met by the respondent.
6. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 23RD DAY OF JULY 2025.

In the presence of:

Court Assistant - Dennis

Teti for the Applicant present

Ngeywa for the defendant present

HON. C.K. NZILI

JUDGE, ELC KITALE.

