

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET

E & L CASE NO. 56 OF 2016

ZIPPORAH JEPKEMBOI KORIR.....1ST PLAINTIFF

ANDREW ARAP ROTICH.....2ND PLAINTIFF

VERSUS

MINISTRY OF EDUCATION.....1ST DEFENDANT

ATTORNEY GENERAL.....2ND DEFENDANT

ELISHA BUSIENEL.....3RD DEFENDANT

COUNTY GOVERNMENT OF UASIN GISHU.....4TH DEFENDANT

BELION CONTRACTORS.....5TH DEFENDANT

RIFT VALLEY TECHNICAL TRAINING INSTITUTE.....6TH DEFENDANT

RULING

The application before court is dated 11.9.2018 brought by Rift Valley Technical Training Institute wherein the applicant prays that the order issued by this court for parties to maintain status quo in this matter be set aside to the extent of allowing the 5th defendant, Contractor to complete the construction work and hand over the project to the 6th defendant/applicant.

The application is based on grounds that the suit property is under possession of the government of Kenya but the same has a construction of a technical institute. That the site is 90% complete. The contractor has been kept on site for 2 years occurring unnecessary inconvenience.

The application is supported by the affidavit of Edwin Mutai Tarno who states that the suit property is under possession of the government of Kenya and utilization by the Kenya Technical Institute. The 5th defendant is a contractor. The construction made is 90% and has been pending for approximately 2 years. It is alleged that there is a lot of public interest.

This court finds that the application raises issues of great public interest as a lot of public money has been invested into the project and that the public is likely to lose more money if the contractor abandons the work. The state in any event can compensate the plaintiff for any loss likely to be suffered.

In the interest of justice, I do review and order that the contractor be allowed to complete the construction of the structure, however, the handing over to await the final decision of the court. Orders accordingly.

Dated and delivered at Eldoret this 6th day of November, 2018.

A. OMBWAYO

JUDGE