



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**ELC JUDICIAL REVIEW NO 55 OF 2018**

**ALEX KADENGE MWENDWA.....APPLICANT**

**=VERSUS=**

**THE NATIONAL LAND COMMISSION.....1<sup>ST</sup> RESPONDENT**

**THE HON. ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT**

**THE KENYA NATIONAL HIGHWAYS AUTHORITY...3<sup>RD</sup> RESPONDENT**

**RULING**

1. This is the Ex parte Chamber Summons dated 30<sup>th</sup> August 2018 brought under Section 8 and 9 of the Law Reform Act, Order 53 Rule 1 and 2 of the Civil Procedure Rules and all enabling provisions of the law.
2. I have considered the said chamber summons, the prayers sought and the grounds upon which it is brought, I have considered the verifying affidavit of Alex Kadenge Mwendwa sworn on the 30<sup>th</sup> August 2018.
3. I have also considered the respective grounds of opposition filed on behalf of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents.
4. The Ex parte Applicant admits that full and partial payments have been made with respect to the properties acquired under Section 125 of the Land Act 2012.
5. I find that it would not be in the interest of justice to order that leave do operate as stay as the Exparte Applicant has already received partial compensation.
6. I hereby grant the following directions:-

***(i) Leave is hereby granted in the circumstances.***

***(ii) The Exparte Applicant do file and serve substantive motion within the next twenty (21) days from the date hereof.***

***(iii) The issue of stay be canvassed in the main application.***

***(iv) Costs be in the cause.***

It is so ordered.

**Dated, signed and delivered in Nairobi on this 11<sup>TH</sup> day of DECEMBER 2018**

.....

**L. KOMINGOI**

**JUDGE**

**In the presence of:-**

.....Advocate for the Applicant

.....Advocate for the Respondents

.....Court Assistant