



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET**

**E & L CASE NO. 220 OF 2016**

**RAVINDRA RATILAL TAILOR ..... 1<sup>ST</sup> PLAINTIFF/APPLICANT**

**DAYA SINGH LAHB KALSI .....2<sup>ND</sup> PLAINTIFF/APPLICANT**

**NARINDER SINGH LOCHAB .....3<sup>RD</sup> PLAINTIFF/APPLICANT**

**UASIN GISHU ART SOCIETY OF ELDORET..... 4<sup>TH</sup> PLAINTIFF/APPLICANT**

**VERSUS**

**THE COUNTY GOVERNMENT OF UASIN GISHU .....1<sup>ST</sup> DEFENDANT/RESPONDENT**

**THE C.E.C LANDS HOUSING AND PHYSICAL PLANNING**

**UASIN GISHU COUNTY ..... 2<sup>ND</sup> DEFENDANT/RESPONDENT**

**RULING**

The application herein is dated 31/8/2016. The applicant seeks orders that the ruling at which of this honorable court delivered on 18/8/2016 be implemented by the O.C.S Langas police station through the eviction of the defendant/respondent and their agents and servants from the parcel of land known as land registration Number Eldoret/Municipality block 13/22 formerly LR No. 6619/35 at the said Eviction/Exercise be supervised by the OCPD Eldoret South Police Division and the County Commander of Uasin Gishu County.

The application is based on grounds that the plaintiffs/obtained orders directing status quo be maintained and putting them back in possession of the suit property pending the hearing and determination of their application for injunction. The court in making the ruling further directed that the defendants/Respondents to immediately vacate the premises and allow the plaintiffs to continue with their business temporarily pending inter partes hearing. That the Defendants/Respondents have blatantly refused and disobeyed to vacate from the suit land despite being served with the order issued by this Honorable court. That the order of this honorable court has not been set aside or stayed.

The application is opposed vide a replying affidavit of Jonathan Kiprop filed on 4/11/2016. Wherein he states that the County Secretary and all the Chief Executive Officers are in Rwanda on duty since mid-August and hence the orders issued by this Honorable court on 18<sup>th</sup> of August 2016 have not been personally served upon them. That the executive arm of the County Government is mandated with the task of relocating the respective ministries from the suit properties. That it is not true that the Respondents have blatantly refused or disobeyed in absolute terms to vacate from the suit land. That the Executive officers are expected in Kenya on 5<sup>th</sup> September, 2016 in order to comply with the court orders. That the lease to the suit property has been renewed by the National Land Commission in favor of the Government on 27<sup>th</sup> April, 2016. That they are in lawful possession and occupation of the suit property. That the orders being sought are extremely prejudicial and unfair to the Respondents since the suit premises house County Government Departmental offices. That it is not true that there are County Security Personnel on the ground to prevent the plaintiffs from obtaining access to the suit property. That they have all intention to obey said court orders subject to the arrival of the executive officers from Rwanda.

I have considered the application and the supporting affidavit together with the replying affidavit and submissions of both parties and do find that the ruling of the court has not been set aside or stayed by the Court of Appeal and therefore the application is merited. The replying affidavit does not offer any explanation as to why the orders sought should not be granted. Ultimately, I grant orders that the ruling delivered by this honorable court on 18/8/2016 be implemented by the Officer Commanding Langas police station through the eviction of the defendant/respondent and their agents and servants from the parcel of land known as land registration Number Eldoret/Municipality block 13/22 formerly LR No. 6619/3 5 and the said Eviction/Exercise be supervised by the Officer commanding Eldoret South Police Division and the County Commander of Uasin Gishu County. Orders accordingly.

**DATED AND DELIVERED AT ELDORET THIS 25<sup>TH</sup> DAY OF JANUARY, 2017.**

**A. OMBWAYO**

**JUDGE**