



Republic v County Government of Homa Bay & another; Liech (Exparte) (Environment and Land Judicial Review Case E003 of 2023) [2024] KEELC 167 (KLR) (22 January 2024) (Ruling)

Neutral citation: [2024] KEELC 167 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E003 OF 2023
GMA ONGONDO, J
JANUARY 22, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

THE COUNTY GOVERNMENT OF HOMA BAY 1ST RESPONDENT

THE CHIEF FINANCE OFFICER, COUNTY GOVERNMENT OF HOMA BAY 2ND RESPONDENT

AND

OKELLO JOHN ROBERT LIECH EXPARTE

RULING

1. This ruling is in respect of a notice of preliminary objection dated 18th October 2023 by Wilberforce Akello & Company Advocates for the respondents on grounds, inter alia; that this court lacks jurisdiction to hear and determine this Judicial Review Application dated 9th October 2023 for an order of mandamus and costs of the application.
2. Mr W. Okelo learned counsel for the respondents has made an application for withdrawal of the preliminary objection to pave way for prosecution of an application dated 20th November 2023.
3. Miss P.Odhiambo instructed by G.S Okoth and Company Advocates for the applicant has no objection to the application subject to costs. That the applicant filed a response and submissions pertaining to the preliminary objection.
4. After hearing counsel for the respondents and counsel for the applicant, I find the application meritorious and would allow the same.



5. So, the respondents' preliminary objection dated 18th October 2023 is hereby marked as withdrawn with no orders as to costs.

6. It is so ordered

DATED AND DELIVERED AT HOMA BAY THIS 22ND DAY OF JANUARY 2024

G. M. A ONGONDO

JUDGE

PRESENT

1. Miss P. Odhiambo learned counsel for the applicant

2. Mr.W. Akelo learned counsel for the respondents

3. T. Luanga, court assistant

