



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND COURT AT MERU

PETITION NO 15 OF 2016

**IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS AND
FREEDOM OF THE INDIVIDUAL RIGHTS UNDER ARTICLE 10, 20, 21, 22, 28, 47,48, 50 AND
236**

AND

**IN THE MATTER OF: ENFORCEMENT OF FUNDAMENTAL RIGHTS AND FREEDOM OF
THE INDIVIDUAL RIGHTS UNDER ARTICLE 10, 20, 21, 22, 28, 47,48, 50 AND 236 OF THE
CONSTITUTION OF KENYA**

BETWEEN

JACOB MANTILI KANG'ANG'APETITIONER

VERSUS

THE DISTRICT LAND ADJUDICATION & SETTLEMENT

OFFICER IGEMBE DISTRICT1ST RESPONDENT

THE HON. ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. This application is dated 20th June, 2016 and seeks orders:-

1) That service of this application be dispensed with in the first instance.

2) That this Petition be certified as urgent and be admitted for hearing on priority basis.

3) That a conservatory order to issue restraining the 1st Respondent and his officers ,servants, agents or any other person acting on his behalf from conducting an election of the Chairman of the committee of AMWATHI 1 B ADJUDICATION SECTION pending the hearing and determination of this application or until further orders of this court.

4) That a conservatory order to issue restraining the 1st Respondent and his officers, servants, agents or any other person acting on his behalf from conducting an election of the Chairman of the committee of AMWATHI 1B ADJUDICATION SECTION pending the hearing and determination of this petition or until further orders of this Court

5) That the costs of this application be provided for.

2. The application is supported by affidavits in support of the Petitioner's case. The application has the following grounds:-

1) The petition seeks the enforcement and protection of the petitioner's constitutional rights threatened by the respondents.

2) The Petitioner's constitutional rights for fair trial, the presumption of innocence, adequate time and facilities to prepare a defence, the right to legal representation and fair administrative action are likely to be violated unless the orders sought are granted herein.

3) That the 1st Respondent has scheduled the election of the Chairman of AMWATHI 1B ADJUDICATION SECTION on 23rd June, 2016 while the petitioner is still in office and he is not informed of the side election which is being held in secret.

4) That the petitioner has not been told the reason for his removal from office despite his numerous attempts to the 1st respondent's office inquiring so.

5) That the 1st respondent lacks capacity to remove the 1st respondent from office since he was elected by the committee.

6) The petitioner is entitled to equal protection of the law.

3. On 18th July, 2016 the parties agreed to have prayer 4 of the application allowed. I, therefore, deem the application heard and settled pending hearing and determination of the Petition.

4. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 18TH DAY OF JULY, 2016 IN THE PRESENCE OF:-

CC: Lilian/Daniel

P. M.NJOROGE

JUDGE