



**Republic v Kenya Wildlife Service & 2 others; Koros (Ex parte Applicant) (Judicial Review E004 of 2024) [2025] KEHC 11774 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11774 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
JUDICIAL REVIEW E004 OF 2024**

**CM KARIUKI, J**

**JULY 31, 2025**

**IN THE MATTER OF AN APPLICATION FOR SUBSTANTIVE  
ORDERS FOR JUDICIAL REVIEW BY WAY OF MANDAMUS**

**AND**

**IN THE MATTER OF THE CONSTITUTION OF KENYA ARTICLE 165(3)(A), 2010**

**AND**

**IN THE MATTER OF THE WILDLIFE CONSERVATION AND  
MANAGEMENT ACT NO. 47 OF 2013 LAWS OF KENYA SECTION 25(1),(2),(3)**

**AND**

**IN THE MATTER OF THE WILDLIFE CONSERVATION AND  
MANAGEMENT COMPENSATION REGULATION 2017 REGULATION (1),(2)**

**AND**

**IN THE MATTER OF THE LAW REFORM ACT CAP. NO. 26 SECTION 8 & 9**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**KENYA WILDLIFE SERVICE ..... 1<sup>ST</sup> RESPONDENT**

**COUNTY WILDLIFE CONSERVATION & COMPENSATION COMMITTEE**

**NAROK ..... 2<sup>ND</sup> RESPONDENT**

**DIRECTOR, MINISTERIAL CONSERVATION COMPENSATION**

**COMMITTEE ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**RISA OLE KOROS ..... EX PARTE APPLICANT**



## RULING

### 1. Introduction

1. Before this Court is the Notice of Motion dated 18th December 2024 brought by the *Ex Parte* Applicant, Risa Ole Koros, pursuant to leave granted on 4th December 2024. The application is brought under Sections 8 and 9 of the [Law Reform Act](#), Order 53 Rule 3[1] of the [Civil Procedure Rules](#), and all enabling provisions of the law. The Applicant seeks an order of *mandamus* compelling the 1st Respondent, Kenya Wildlife Service [KWS], to pay Kshs. 300,000/= as compensation for injuries sustained in a wildlife attack.

### 2. Prayers Sought

2. The *Ex Parte* Applicant seeks the following substantive reliefs:
  - i. An order of *mandamus* compelling the 1st Respondent to pay him the sum of Kshs. 300,000/= as compensation for injuries sustained on 13th May 2021 in Oliopa, Narok County, from an elephant attack.
  - ii. That the said amount be paid within 14 days of the order.
  - iii. Costs of and incidental to the proceedings.
  - iv. Any other relief the Court may deem just.

### 3. Applicant's Case

3. The application is supported by the verifying affidavit of Risa Ole Koros and a statutory statement filed contemporaneously with the application. The Applicant avers that he was attacked by an elephant and seriously injured on 13th May 2021 at Oliopa area in Narok County. He duly reported the incident and lodged a compensation claim with the Kenya Wildlife Service [KWS].
4. The Applicant states that his claim was reviewed and recommended for compensation by the 2nd Respondent on 14th December 2021 and subsequently approved by the 3rd Respondent on 21st November 2022 for the sum of Kshs. 300,000/=.
5. Despite the approval, the 1st Respondent has failed to release the compensation, prompting this application.

### 4. Respondent's Case

6. The 1st Respondent, through a Replying Affidavit sworn by its Legal Officer, Silvester Nyaga, opposes the application. The 1st Respondent contends that it has no statutory obligation to pay compensation under the [Wildlife Conservation and Management Act](#), 2013.
7. It argues that under Sections 6 and 7 of the [Act](#), its functions are limited to wildlife conservation and management, and that the responsibility of paying compensation lies with the Cabinet Secretary upon approval by the Ministerial Committee.
8. The 1st Respondent submits that it merely acts as secretariat to the 2nd and 3rd Respondents and has no legal mandate to process or disburse compensation.



## 5. Directions of the Court

9. The Court directed the parties to file written submissions.

### The Ex-Parte Applicant's Written Submissions

10. The *Ex Parte* Applicant filed submissions reiterating that he complied with all statutory requirements and citing case law to argue that KWS is a proper party for *mandamus*. The Applicant relied on Section 25 of the *Wildlife Conservation and Management Act*, 2013, and case law, including: *Republic v Kenya Wildlife Service & others ex-parte Joyce Wangui Mubia* [JR. No. E054 of 2024], *Kenya Wildlife Service v Rift Valley Agricultural Contractors Ltd* [2018] eKLR, and *Kenya Wildlife Service v Joseph Musyoki Kalonzo* [2017] eKLR.

### The 1st Respondent's Written Submissions

11. The 1st Respondent submitted that the application is misguided, relying on: *Republic v County Government of Nairobi & 2 others Ex-Parte Kingpost Limited* [2021] eKLR, *Commission on Administrative Justice v Kenya Vision 2030 Delivery Board & 2 others* [2019] eKLR, and *Republic v Kenya Vision 2030 Delivery Board & another Ex-Parte Eng. Judah Abekah* [2015] eKLR.
12. The 1st Respondent urged the Court to dismiss the application as KWS is not the proper party to be compelled.

## Analysis and Determination.

### 6. Issues for Determination

13. The main issue for determination is whether the *Ex Parte* Applicant is entitled to an order of *mandamus* compelling the 1st Respondent to pay compensation.
14. The Applicant's claim was reviewed and approved by the relevant committees under Section 25 of the *Wildlife Conservation and Management Act*. The only remaining step is disbursement of the approved compensation.
15. In *Republic v Kenya Wildlife Service & 2 others; Odoyo* [2025] KEHC 7536 [KLR], the Court held that KWS could be compelled to effect payment, notwithstanding internal arrangements with the Cabinet Secretary.
16. The Court of Appeal in *Kenya Wildlife Service v Joseph Musyoki Kalonzo* [2017] eKLR held:

" The duty to manage and conserve wildlife comes with the responsibility to compensate claims of loss or damage caused by wildlife."
17. The Supreme Court in *Kenya Wildlife Service v Rift Valley Agricultural Contractors Ltd* [2018] eKLR affirmed:

" The Wildlife Act gives the responsibility to Kenya Wildlife Service as the park revenue collector to compensate for damage occasioned by wild animals."
18. The 1st Respondent's argument that it has no duty to pay is inconsistent with judicial precedent. KWS remains liable as the body tasked with implementing the statutory framework under the Wildlife Act.



19. Under Section 21[4] of the *Government Proceedings Act*, execution cannot issue against the Government, making *mandamus* the only viable enforcement mechanism.
20. The requirements for *mandamus*, as established in *Republic v Principal Secretary, Ministry of Internal Security & another Ex-Parte Schon Noorani* [2018] eKLR, have been satisfied:
  - i. A public legal duty exists.
  - ii. That duty is owed to the Applicant.
  - iii. There has been unreasonable delay.
  - iv. No other effective remedy is available.

## 7. Conclusion

21. The *Ex Parte* Applicant has fulfilled all legal and procedural obligations and is entitled to the relief sought. The 1st Respondent's failure to act has no legal justification.

## 8. Orders

22. Accordingly, the Court hereby issues the following orders:
  - i. An Order of *mandamus* is hereby issued compelling the 1st Respondent, Kenya Wildlife Service, to pay the *Ex Parte* Applicant, Risa Ole Koros, the sum of Kshs. 300,000/= as approved compensation.
  - ii. The said amount shall be paid within thirty [30] days from the date of this order.
  - iii. The 1st Respondent shall bear the costs of this application.
23. It is so ordered.

**DATED, SIGNED, AND DELIVERED AT NAROK THROUGH TEAMS APPLICATION, THIS  
31<sup>ST</sup> DAY OF JULY, 2025**

**CHARLES KARIUKI**

**JUDGE**

