



**Ong'era v Speaker Kisii County Assembly & 2 others; Arati & another (Interested Parties)  
(Constitutional Petition E011 of 2024) [2024] KEHC 6241 (KLR) (29 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6241 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CONSTITUTIONAL PETITION E011 OF 2024**

**RE ABURILI, J**

**MAY 29, 2024**

**IN THE MATTER OF ARTICLE 1(1), 2(1), (2) (5) AND (6), 3(1), 10, 19, 20, 22(1), 35, 41, 47,  
73, 75, 165(3) (B), 183, 235, 236, 258, 259(1) OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF ARTICLE 22(1) AND 165(3) (B) OF THE CONSTITUTION  
2020 ON THREATENED AND ACTUAL VIOLATIONS OF THE BILL OF RIGHTS**

**AND**

**IN THE MATTER OF SECTIONS 3(1), 31 AND 40 OF THE  
COUNTY GOVERNMENT ACT, NO. 17 OF 2012 AS READ WITH  
SECTION 4 OF THE FAIR ADMINISTRATIVE ACTION ACT, 2016**

**AND**

**IN THE MATTER OF THE CONTRAVENTION OF ARTICLES  
10, 20, 73, 75 AND 236 OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF CONVENTION OF ARTICLES 28, 35,  
41 AND 47 OF BILL OF RIGHTS IN THE CONSTITUTION**

**BETWEEN**

**DR. ALFRED NDEMBO ONG'ERA ..... PETITIONER**

**AND**

**THE SPEAKER KISII COUNTY ASSEMBLY ..... 1<sup>ST</sup> RESPONDENT**

**HON. MANANI RICHMOND AYORI ..... 2<sup>ND</sup> RESPONDENT**

**THE COUNTY ASSEMBLY OF KISII ..... 3<sup>RD</sup> RESPONDENT**

**AND**



**H. E. SIMA ARATI, GOVERNOR KISII COUNTY ..... INTERESTED PARTY**  
**COUNTY GOVERNMENT OF KISII ..... INTERESTED PARTY**

**RULING**

1. This petition was filed simultaneous with an application for conservatory orders. I have heard the submissions by Dr. Ekuru Aukot and Mr. Kosgei Alvin counsel for the Petitioner who have submitted that the impeachment of the Petitioner flopped since the Committee of the Kisii County Assembly rejected the report on impeachment of the Petitioner herein.
2. That being the case, the status quo ante prevails.
3. As the petitioner does not wish to pursue the petition which is now overtaken by events, the Petition herein is marked as wholly withdrawn and with no orders as to costs.
4. This file is closed.
5. I so order.

**Dated, Signed and Delivered at Kisumu this 29<sup>th</sup> Day of May, 2024**

**R. E. ABURILI**

**JUDGE**

