



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT ISIOLO**

**CONSTITUTIONAL PETITION NO. 008 OF 2021**

**GEORGE KARIITHI & 74 OTHERS.....PETITIONERS**

**VERSUS**

**DISTRICT SURVEYOR ISIOLO & 4 OTHERS.....RESPONDENTS**

**RULING**

1. This application is dated 7<sup>th</sup> February, 2022 and seeks the following orders;

1. **THAT** this Honourable Court be pleased to grant leave to Counsel for the defendant to cease from acting for the 2<sup>nd</sup> defendant in this Suit for lack of proper instructions.

2. **THAT** this Honourable Court be pleased to order that any further communication in respect to the 2<sup>nd</sup> defendant concerning this Case be communicated to the defendant personally.

3. **THAT** the costs of this Application be paid by the defendant.

2. The application is supported by the affidavit of Kelvin Mutuma Mbaabu, the advocate for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> defendants and it has the follows grounds:

a) **THAT** the defendant has failed to give us further instructions on the matter herein.

b) **THAT** the defendant has also failed to facilitate our Firm to continue representing them herein.

3. When the application was heard interpartes, it was not opposed. The following orders are issued:

*a) The application is allowed.*

*b) The petitioners' advocates are directed to serve the orders issued by the court today upon the absent 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> defendants.*

*c) Costs shall be in the cause.*

*d) Directions on 30/5/2022.*

Ruling Written and Delivered in Open Court at Isiolo this 14<sup>th</sup> Day of March, 2022 in the Presence of:

Court Assistant: Balozi

Rhoda Maina for Petitioners

Nyamokeri h/b Ondieki for the 2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup>, 8<sup>th</sup> & 14<sup>th</sup> Petitioners

Kelvin Mbaabu – the applicant

Ashava h/b Carl Peters Mbaabu for the Interested Parties

**HON. JUSTICE P. M. NJOROGE**

**JUDGE**



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