

right and fundamental freedom to a clean, safe and healthy environment as provided under Article 42 of the Constitution of Kenya, 2010.

- r) A declaration that the 8th Respondent, its employees and officers, including the 9th, 10th and 11th Respondents have singularly, jointly and/or severally denied, breached, violated and infringed on the Petitioners, Taza Lane residents and the general public's right and fundamental freedom to life and/or have, and are continuing to threaten, deny, breach, infringe and violate the Petitioners, Taza Lane Residents and the general public's right and fundamental freedom to life as provided under Article 26 of the Constitution of Kenya, 2010.
- s) A declaration that the 12th -19th Respondents have singularly, jointly and/or severally denied, breached, violated and infringed on the Petitioners, Taza Lane Residents and the general public's right and fundamental freedom to life and/or have, and are continuing to threaten, deny, breach, infringe and violate the Petitioners, Taza Lane Residents and the general public's right and fundamental freedom to life as provided under Article 26 of the Constitution of Kenya, 2010.
- t) An order compelling the 1st, A1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th Respondents jointly and severally and/or together with the 12th, 13th, 14th, 15th, 16th, 17th, 18th and 19th Respondents to demolish the building and structures erected on L.R No 209/7549(now Nairobi/Block 37/11) from January, 2021 and to restore the site to its original condition or as near to its original condition as it was before the 1st September, 2020 within a period of ninety 90 days from the date of the order.
- u) An orders that the costs of the demolition of the buildings and restoration of the site to its original condition be personally met by the A1st to 11th Respondents and/or jointly/severally with the 12th - 19th Respondents.
- v) A permanent injunction be and is hereby given restraining and stopping the 1st, A1st and 8th Respondents from issuing and/or granting any licenses, permits or approvals for any development on L.R No 209/7549(now Block 37/11)-Taza Lane, off City Park Drive including an occupational license to the 13th, 14th and 15th Respondent, their agents/servants/nominees, until and unless prayers (f) and (g) herein are fully complied with.
- w) General Damages.
- x) Punitive Damages.
- y) Costs of the Petition.
- z) Any other order that this Honourable Court deems fair, just and appropriate in the circumstances.

BY THE JUDGMENT of the Court dated, signed and delivered on the 10th day of December, 2024 by Honourable Justice O. A. Angote in the virtual presence of Counsel for the Parties;

IT IS HEREBY ORDERED AND DECREED: -

- a. **THAT** considering that the Amended Petition is in the form of a public interest litigation, the Court shall not award costs.
- b. **THAT** for those reasons, the Amended Petition dated 6th November, 2023 is hereby dismissed with no order as to costs.

GIVEN under my hand and seal of this Honourable Court at Nairobi this 10th December, 2024.