

Authority:

Commission on Administrative Justice – Kenya

Public Entity:

Department of Built Environment and Urban Planning, Nairobi City County Government

Country/State:

Kenya

Case title:

Karen and Langata District Association v. Department of Built Environment and Urban Planning (DeLa Salle Brothers Permit Case)

Official citation:

Order of 17 July 2024

Date of decision:

17 July 2024

Relevant law:

Access to Information Act, 2016 (Sections 14(1)(a), 22(3)(a)(i), 23(2)(a))

Decision:

The Commission ordered the County Executive Committee Member, Built Environment and Urban Planning, Nairobi City County Government, to provide access to information requested by Karen and Langata District Association concerning the application for change of user and issuance of development permit to DeLa Salle Brothers over land reference number 7943, located off Marula Lane, Karen, Nairobi.

Key words:

Right to Information, urban planning, land use, development permit, community associations

Case Summary**1. Facts**

On 22 March 2024, Karen and Langata District Association, through Wamae and Allen Advocates LLP, submitted a request for information regarding the application for change of user and issuance of development permit to DeLa Salle Brothers over land reference number 7943 (off Marula Lane, Karen, Nairobi).

The County Executive Committee Member, Department of Built Environment and Urban Planning, declined to provide the requested information.

Further, the authority failed to respond to the Commission's inquiry dated 10 June 2024.

2. Decision

The Commission, exercising its powers under Sections 22(3)(a)(i) and 23(2)(a) of the Access to Information Act, 2016, issued an Order on 17 July 2024.

The Order directed the County Executive Committee Member to facilitate access to the requested information relating to the development permit and change of land use for the property in question.

The case reinforces the obligation of public entities to disclose planning and land use decisions, highlighting the principle of transparency in urban development and citizens' right to information on land governance.

Note (Optional):

The case is significant for community participation in urban development decisions and demonstrates the Commission's role in ensuring accountability in land use and planning processes.

Resource:

Link to resolution: N/A