



# ENO & ASSOCIATES ADVOCATES

COMMISSIONERS FOR OATHS & NOTARIES PUBLIC

*E.N Omotii*

*LLB (Hons)NBI, CPS (K)*

*G.M Nyakundi*

*LLB (Hons)NBI, CPS (K)*

*E.K Katila*

*LLB (Hons) KABU, Dip.KSL*

Your Ref: T.B.A

Date: 07/04/2025

Our Ref: ENO/1361/20

The Council of Governors,  
Your Excellencies, the Governors of,

MOMBASA COUNTY  
KWALE COUNTY  
KILIFI COUNTY  
TANA RIVER COUNTY  
LAMU COUNTY  
TAITA-TAVETA  
COUNTY  
GARISSA COUNTY  
WAJIR COUNTY  
MANDERA COUNTY  
MARSABIT COUNTY  
ISIOLO COUNTY  
MERU COUNTY  
THARAKA NITHI  
COUNTY  
EMBU COUNTY  
KITUI COUNTY  
MACHAKOS COUNTY

MAKUENI COUNTY  
NYANDARUA COUNTY  
NYERI COUNTY  
KIRINYAGA COUNTY  
MURANG'A COUNTY  
KIAMBU COUNTY  
TURKANA COUNTY  
WEST POKOT COUNTY  
SAMBURU COUNTY  
TRANS-NZOIA COUNTY  
UASIN GISHU COUNTY  
ELGEYO MARAKWET  
COUNTY  
NANDI COUNTY  
BARINGO COUNTY  
LAIKIPIA COUNTY  
NAKURU COUNTY

NAROK COUNTY  
KAJIADO COUNTY  
KERICHO COUNTY  
BOMET COUNTY  
KAKAMEGA COUNTY  
VIHIGA COUNTY  
BUNGOMA COUNTY  
BUSIA COUNTY  
SIAYA COUNTY  
KISUMU COUNTY  
HOMABAY COUNTY  
MIGORI COUNTY  
KISII COUNTY  
NYAMIRA COUNTY  
NAIROBI CITY COUNTY

Dear Sirs,

RE: PETITION NO. E189 OF 2021.  
RURAL PRIVATE HOSPITALS ASSOCIATIONS OF KENYA (RUPHA)  
-VERSUS- MOMBASA COUNTY AND 46 OTHERS.

We refer to the captioned matter in which our firm acts for the Petitioner RURAL  
PRIVATE HOSPITALS ASSOCIATIONS OF KENYA (RUPHA).

Please note that on 3<sup>rd</sup> November 2021, the court made an order suspending payment of  
Single Business Permit to all counties by members of the Petitioner (RURAL PRIVATE

*Please quote our reference when replying*

KMA Centre, Block E, Suite No. 0.2, Mara/Chyulu Road, Upperhill,  
P.O.Box 3165-00200. Tel: 0790814883/0783223938 Nairobi.  
Email: omotilaw@gmail.com Web: www.omotilaw.com



HOSPITALS ASSOCIATIONS OF KENYA (RUPHA) pending the Hearing and determination of the matter. The said Order has since been served upon all the 47 County Governments.

Kindly note that the matter is still ongoing and the next court date is 18<sup>th</sup> July 2025.

In light of the above, kindly note that you are all obligated to obey and observe the said order in default of which we have mandatory instructions to commence contempt of court proceedings against any Respondent in breach of the said order. (A copy of the Court Order is attached).

Kindly note and oblige.

Yours Faithfully,



ENO & ASSOCIATES  
ADVOCATES

*Encl.*

*Cc: Client*

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**  
**PETITION NO. E189 OF 2021**

**RURAL PRIVATE HOPITALS  
ASSOCIATION OF KENYA (RUPHA)..... PETITIONER**  
**-VERSUS-**

<b>MOMBASA COUNTY .....</b>	<b>1<sup>ST</sup> RESPONDENT</b>
<b>KWALE COUNTY .....</b>	<b>2<sup>ND</sup> RESPONDENT</b>
<b>KILIFI COUNTY.....</b>	<b>3<sup>RD</sup> RESPONDENT</b>
<b>TANA RIVER COUNTY .....</b>	<b>4<sup>TH</sup> RESPONDENT</b>
<b>LAMU COUNTY .....</b>	<b>5<sup>TH</sup> RESPONDENT</b>
<b>TAITA-TAVETA COUNTY .....</b>	<b>6<sup>TH</sup> RESPONDENT</b>
<b>GARISSA COUNTY .....</b>	<b>7<sup>TH</sup> RESPONDENT</b>
<b>WAJIR COUNTY .....</b>	<b>8<sup>TH</sup> RESPONDENT</b>
<b>MANDERA COUNTY .....</b>	<b>9<sup>TH</sup> RESPONDENT</b>
<b>MARSABIT COUNTY .....</b>	<b>10<sup>TH</sup> RESPONDENT</b>
<b>ISIOLO COUNTY.....</b>	<b>11<sup>TH</sup> RESPONDENT</b>
<b>MERU COUNTY .....</b>	<b>12<sup>TH</sup> RESPONDENT</b>
<b>THARAKA NITHI COUNTY .....</b>	<b>13<sup>TH</sup> RESPONDENT</b>
<b>EMBU COUNTY .....</b>	<b>14<sup>TH</sup> RESPONDENT</b>
<b>KITUI COUNTY .....</b>	<b>15<sup>TH</sup> RESPONDENT</b>
<b>MACHAKOS COUNTY .....</b>	<b>16<sup>TH</sup> RESPONDENT</b>
<b>MAKUENI COUNTY .....</b>	<b>17<sup>TH</sup> RESPONDENT</b>
<b>NYANDARUA COUNTY .....</b>	<b>18<sup>TH</sup> RESPONDENT</b>
<b>NYERI COUNTY .....</b>	<b>19<sup>TH</sup> RESPONDENT</b>
<b>KIRINYAGA COUNTY .....</b>	<b>20<sup>TH</sup> RESPONDENT</b>
<b>MURANG'A COUNTY .....</b>	<b>21<sup>ST</sup> RESPONDENT</b>
<b>KIAMBU COUNTY .....</b>	<b>22<sup>ND</sup> RESPONDENT</b>
<b>TURKANA COUNTY.....</b>	<b>23<sup>RD</sup> RESPONDENT</b>
<b>WEST POKOT COUNTY .....</b>	<b>24<sup>TH</sup> RESPONDENT</b>
<b>SAMBURU COUNTY.....</b>	<b>25<sup>TH</sup> RESPONDENT</b>
<b>TRANS-NZOIA COUNTY .....</b>	<b>26<sup>TH</sup> RESPONDENT</b>
<b>UASIN GISHU COUNTY .....</b>	<b>27<sup>TH</sup> RESPONDENT</b>

ELGEYO MARAKWET COUNTY .....	28 <sup>TH</sup> RESPONDENT
NANDI COUNTY .....	29 <sup>TH</sup> RESPONDENT
BARINGO COUNTY .....	30 <sup>TH</sup> RESPONDENT
LAIKIPIA COUNTY .....	31 <sup>ST</sup> RESPONDENT
NAKURU COUNTY .....	32 <sup>ND</sup> RESPONDENT
NAROK COUNTY .....	33 <sup>RD</sup> RESPONDENT
KAJIADO COUNTY .....	34 <sup>TH</sup> RESPONDENT
KERICHO COUNTY .....	35 <sup>TH</sup> RESPONDENT
BOMET COUNTY .....	36 <sup>TH</sup> RESPONDENT
KAKAMEGA COUNTY .....	37 <sup>TH</sup> RESPONDENT
VIHIGA COUNTY .....	38 <sup>TH</sup> RESPONDENT
BUNGOMA COUNTY .....	39 <sup>TH</sup> RESPONDENT
BUSIA COUNTY .....	40 <sup>TH</sup> RESPONDENT
SIAYA COUNTY .....	41 <sup>ST</sup> RESPONDENT
KISUMU COUNTY .....	42 <sup>ND</sup> RESPONDENT
HOMABAY COUNTY .....	43 <sup>RD</sup> RESPONDENT
MIGORI COUNTY .....	44 <sup>TH</sup> RESPONDENT
KISII COUNTY .....	45 <sup>TH</sup> RESPONDENT
NYAMIRA COUNTY .....	46 <sup>TH</sup> RESPONDENT
NAIROBI CITY COUNTY .....	47 <sup>TH</sup> RESPONDENT

**IN COURT ON 3<sup>RD</sup> NOVEMBER, 2021**

**BEFORE HON. JUSTICE J.A.MAKAU**

**ORDER**

**THIS MATTER** coming up for Mention before Hon. Justice J.A Makau **AND UPON** the hearing the Advocates for the Petitioner and the Advocate for the 3<sup>rd</sup> and 47<sup>th</sup> Respondents;

**IT IS HEREBY ORDERED:**

- a) THAT** in the interim, conservatory orders are hereby issued suspending payment of single business license fees to the Respondents by members of the Petitioner pending *inter partes* hearing and determination of this application.
- b) THAT** the Respondents are granted 15 days from today to file and serve their responses to the application and Petition.

**c) THAT** the Petitioner to file and submissions within 15 days from the date of service with the Respondent's responses to the application.

**d) THAT** the Respondents to file submissions in response to the Petitioner's submissions on the application.

**e) THAT** mention on **15/12/2021** to confirm compliance and for further directions.

**f) THAT** the order be extracted and be served by the Petitioner within 7 days from today.

**GIVEN** under my Hand and Seal of this Honourable Court this **3<sup>rd</sup>** day of **November, 2021.**

**ISSUED** at Nairobi this..... day of..... 2021.

**DEPUTY REGISTRAR  
HIGH COURT OF KENYA, NAIROBI.**