



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MISC. JUDICIAL REVIEW APPLICATION NO. E001 OF 2020

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW ORDERS OF
CERTIORARI AND PROHIBITION**

AND

IN THE MATTER OF ARTICLE 23(3) (F), 40,48 & 50 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF FAIR ADMINISTRATIVE ACTION ACT, 2015

AND

**IN THE MATTER OF LAND PARCEL NO'S P/NO.1413,P/NO.1414,P/NO/1418 & P/NO/1412 KAMWIMBI 'A'
ADJUDICATION SECTION**

AND

**IN THE MATTER OF AN APPEAL TO THE MINISTER IN CHARGE OF LANDS AND PHYSICAL PLANNING CASE
NO, 95 OF 2015**

AND

IN THE MATTER OF THE LAND ADJUDICATION ACT CAP 284 LAWS OF KENYA

AND

IN THE MATTER OF SECTIONS 8 AND 9 OF THE LAW REFORM ACT CAP 26 LAWS OF KENYA

BETWEEN

REPUBLIC..... APPLICANT

VERSUS

CABINET SECRETARY IN CHARGE OF LANDS

AND PHYSICAL PLANNING.....1ST RESPONDENT

THE DIRECTOR OF ADJUDICATION.....2ND RESPONDENT

CHIEF LAND REGISTRAR.....3RD RESPONDENT

THE ATTORNEY GENERAL RESPONDENT.....4TH RESPONDENT

AND

NJERU KIRIRIKA..... INTERESTED PARTY

AND

DAGLAS KANGA SHADRACK

MBUNGU NKARI

M'KEA M'IBURUARA

JEDIEL RWANDA NJUE.....EXPARTE APPLICANTS

RULING

1. This application was brought to court pursuant to Order 53 Rules 1 and 2 of the Civil Procedure Rules 2010 and is in the following format:

CHAMBER SUMMONS

(Pursuant to Order 53 rules 1 and 2 of the Civil Procedure Rules 2010)

LET ALL PARTIES CONCERNED attend the Learned Judge in Chambers on the Day of 2020 at 9.00 o'clock in the forenoon or soon thereafter when the counsel for the Applicant may be heard for **ORDERS**:

1. THAT leave do issue for the Applicant to apply for

a) AN ORDER OF CERTIORARI to remove into the Honourable Court and quash the decision of the 1ST Respondent contained in the ruling issued on 3/9/2020.

b) AN ORDER OF PROHIBITION directed towards the 2ND & 3RD respondent prohibiting the respondent from relying on and or effecting the decision contained in the ruling dated 3/9/2020 and issued on 9/10/2020.

c) The leave so granted do operate as a stay of the decision until the determination of the substantive application or until further orders of the court are issued.

2. THAT the court grants all the necessary and consequential orders/directions thereof as Necessary.

3. THAT Costs of this application be provided for.

WHICH APPLICATION is based on the grounds set out in the Statutory Statement annexed hereto and the verifying affidavit of JEDIEL RWANDA NJUE and on further grounds to be adduced at the hearing.

DATED at Embu this.....day of.....2020

WINNIE NGIGI & ASSOCIATES

ADVOCATES FOR THE APPLICANTS

2. On 23rd November, 2020, Miss Ngigi, the applicant's advocate told the court that she had served the application upon the respondents.

3. I have perused the application and its annexures.

4. Prayers 1a,1b and 1c in the application are granted.

5. Costs shall be in the cause.

6. Application to be served upon the respondents and mention for directions on 25/1/2021.

Delivered in open court at Chuka this 23rd day of November, 2020 in the presence of;

CA: Ndegwa

Miss Ngigi for the Applicant.

P. M. NJOROGE

JUDGE.



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