



**Republic v County Government of Nakuru; County Assembly of Nakuru
(Interested Party); Veronica Wanjiku Njenga t/a Forest View Bar (Exparte) (Judicial
Review E004 of 2024) [2024] KEHC 16145 (KLR) (18 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16145 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
JUDICIAL REVIEW E004 OF 2024
JM NANG'EA, J
DECEMBER 18, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

COUNTY GOVERNMENT OF NAKURU RESPONDENT

AND

COUNTY ASSEMBLY OF NAKURU INTERESTED PARTY

AND

VERONICA WANJIKU NJENGA T/A FOREST VIEW BAR EXPARTE

RULING

1. On 29th April, 2024 my sister H.I. Ong’udi (J) granted leave to the Ex-parte Applicant to bring this application for judicial review orders in the nature of Mandamus and prohibition against the respondent complained of. The leave was ordered to operate as stay of the acts and omissions of the respondents. The leave followed the applicant’s Chamber Summons dated 12/3/2024. Upon grant to leave as prayed, the Ex-parte Applicant was directed to file and serve a substantive Motion within a stated period which order was complied with.
2. The respondent has failed to reply to the Motion and the Ex-Parte Applicant urged the court to grant the Application as prayed. The substantive Notice of Motion is dated 4/5/2024 and the Applicant seeks these reliefs;-
 1. An order of Mandamus to compel the County Government of Nakuru to issue a Liquor Licence to the Ex-parte Applicant.



2. An order of prohibition restraining the respondent from harassing and/or arresting the Ex-Parte Applicant; destroying her tools of trade and demanding, levying and/or collecting and/or imposing double charges for her business licence pursuant to the Nakuru County Assembly's Finance Act.
3. That the costs of the Application be provided for.
3. The Motion is supported *inter alia* by the Ex-Parte Applicant's affidavit evidence and a statement of facts dated 12/3/2024.
4. It is averred in the affidavit that the Ex-Parte Applicant runs a traditional beer (Muratina) bar christened Forest View Bar licenced under the *Alcoholic Drinks Control Act*, at Njoro within Nakuru County. She has applied and paid for the requisite annual trading licence for the year 2024 but the respondent unreasonably declined to grant the licence despite her produce having been approved by the Government Analyst.
5. The Ex-Parte Applicant further laments that the Respondent's agents have been frustrating her by burning down her business premises and damaging her tools of trade thereby occasioning her great loss. The Respondent is said to have ignored her demands to desist from the unlawful acts and/or omissions, hence this Application.
6. The Statement of Facts adverted to hereinabove reiterates the averments in the Motion's Supporting Affidavit.
7. I have carefully read through the Application its Supporting Affidavit and annexures thereto as well as the Statement of Facts. The Ex-Parte Applicant has exhibited a payment receipt in respect of her business annual licence fees and a certificate from the Government Analyst approving her product, among other documentary exhibits. I have also seen photographs of what are stated to be the Ex-Parte Applicant's tools that seem to have been damaged. The Respondent have not answered the claims despite evidence of service of the Application upon it.
8. In the premises, it is deemed that the Application is unopposed. I must, however, note that although the Ex-Parte Applicant appears to be seeking an order prohibiting her arrest, there is no prima facie evidence of such intention or threat by the Respondent.
9. Consequently, the Court renders itself thus;
 - a. Judicial Review Order of Mandamus issues compelling the Respondent to issue the requisite Liquor Licence to the Ex-parte Applicant to enable her operate her business.
 - b. The Respondent and/or its agents is restrained by Judicial Review Order of Prohibition from harassing the Ex-Parte Applicant and demanding unlawful levies from her.
 - c. The parties shall bear their own costs of the Application.
 - d. Ruling accordingly.

J.M NANG'EA , JUDGE.

RULING DELIVERED VIRTUALLY THIS 18TH DAY OF DECEMBER, 2024.

In the presence of:

Ex-Parte Applicant's Advocate, Mr. Ondicho

Respondent Absent



Interested Party, Absent

The Court Assistant, Mr. Lepikas

J. M NANG'EA, JUDGE

