



THE REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO.E023 OF 2021

MESHACK OCHIENG' T/A MECKO ENTERPRISES.....PETITIONER

VERSUS

PRINCIPAL SECRETARY IN THE STATE

DEPARTMENT FOR EARLY LEARNING AND BASIC EDUCATION.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

THE CABINET SECRETARY NATIONAL TREASURY.....3RD RESPONDENT

RULING

1. The petitioner and respondents appeared before this court on 24th March, 2022 for directions. After listening carefully to the sentiments of both counsel for the parties I deemed it fit to peruse the file before issuing any directions. The following have been revealed from the file:

- i. On 19th May, 2019 Lady Justice Muigai issued orders barring the applicant from filing any matter without the leave of the court. This was in High Court Commercial and Tax Division No.445 of 2013.
- ii. The applicant vide **High Court Misc. E048/2020** unsuccessfully sought to enforce the orders in Court of Appeal Civil Appeal No.54 of 2015 and High Court Commercial and Tax Division Case No.445 of 2013. The file was transferred to the High Court Commercial Division by Justice Mativo.
- iii. The applicant has similarly come before this court seeking enforcement of the same orders which were declined on 8th October, 2020 by Justice Mativo.
- iv. Vide an application dated 16th March 2022 he is seeking leave to prosecute applications dated 28th July, 2021, 13th August, 2021 and 24th February, 2022. These applications were filed without leave of the court contrary to the orders by Lady Justice Muigai.
- v. It is clear that this Miscellaneous petition arises out of litigation which originated in High Court Commercial Division case No.45/2013. That is where he should direct all his numerous applications because that is the division that has the original file No.445/2013 plus many other related files.
- vi. This court cannot grant the applicant leave to prosecute matters unknown to it.

I accordingly transfer this file to the High Court Commercial Division for placement before Lady Justice Okwany on 31.3.2022 for hearing among other matters.

Orders accordingly.

DELIVERED VIRTUALLY, SIGNED AND DATED THIS 25TH DAY OF MARCH, 2022 IN OPEN COURT AT MILIMANI, NAIROBI

H. I. ONG'UDI

JUDGE OF THE HIGH COURT