



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kiboi v Solicitor-General (Constitutional Petition 6 of 2020)  
[2022] KEHC 10921 (KLR) (23 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10921 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
CONSTITUTIONAL PETITION 6 OF 2020  
HPG WAWERU, J  
JUNE 23, 2022**

**BETWEEN**

**CHARLES MAINA KIBOI ..... PETITIONER**

**AND**

**SOLICITOR-GENERAL ..... RESPONDENT**

**RULING**

1. Though the Petitioner brought this matter as a constitutional petition, it is essentially a judicial review application under the Fair Administrative Action Act, 2015. The relief sought is rendered thus as follows –

“An order of mandamus to compel the Respondent to pay the sum of KShs 382,883/00, being the decretal sum plus interest together with costs in Nanyuki CMCC No 33 of 2011” within such time as the court may order.

This court will therefore proceed upon that basis; that is, that this is an application for judicial review under the aforesaid statute, the Fair Administrative Action Act, 2015 (hereinafter called the Act).

2. The administrative action complained of is the failure of the Respondent, who is said to be the accounting officer of the Office of Attorney-General to pay or cause to be paid the decretal sum of KShs 382,883/00 awarded to the Petitioner in Nanyuki CMCC No 33 of 2011 (Charles Kiboi Maina Versus Solio Ranch Limited and The Attorney General).
3. I have considered the application in light of the material now before the court and the submissions of the learned counsel appearing. Despite service, the Respondent did not file any papers in response to the application; nor did he make appearance at the hearing of the application.



4. I consider that the failure of the Respondent to pay or cause to be paid the aforesaid decretal sum is amenable to judicial review by this court under the aforesaid statute. There is no reason advanced by the Respondent why the decretal sum has not been paid so far.
5. I will in the circumstances grant the order of judicial review sought. An order of mandamus shall therefore issue forthwith to compel the Respondent to pay or cause to be paid to the Petitioner the decretal sum of KShs 382,883/00 awarded to him in Nanyuki CMCC No 33 of 2011 aforesaid, plus the costs of these proceedings which are hereby awarded to the Petitioner. Such payment must be made within three (3) calendar months of the date of service of this order upon the Respondent. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 22<sup>ND</sup> DAY OF JUNE 2022**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 23<sup>RD</sup> DAY OF JUNE 2022**

