



**Republic v County Secretary County Government of Kisumu & 2 others (Judicial Review 8 of 2021) [2022] KEHC 14391 (KLR) (21 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 14391 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
JUDICIAL REVIEW 8 OF 2021**

**RE ABURILI, J**

**SEPTEMBER 21, 2022**

**IN THE MATTER OF AN APPLICATION BY OTIENO, RAGOT & CO ADVOCATES**

**AND**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL  
REVIEW BY WAY OF MANDAMUS PURSUANT TO LEAVE  
GRANTED IN KISUMU HC MISC APPLICATION NO 123 OF 2021**

**AND**

**IN THE MATTER OF SECTIONS 2, 103, 147 & 148 OF  
THE PUBLIC FINANCE MANAGEMENT ACT, 2012**

**AND**

**IN THE MATTER OF SECTION 44 & 45 OF THE COUNTY GOVERNMENTS ACT, 2012**

**AND**

**IN THE MATTER OF GOVERNMENT  
PROCEEDINGS ACT, CHAPTER 40, LAWS OF KENYA**

**AND**

**IN THE MATTER OF ARTICLES 10, 23 & 41 OF THE CONSTITUTION OF KENYA**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**COUNTY SECRETARY COUNTY GOVERNMENT OF KISUMU .... 1<sup>ST</sup>  
RESPONDENT**

**COUNTY EXECUTIVE MEMBER FOR FINANCE COUNTY GOVERNMENT  
OF KISUMU ..... 2<sup>ND</sup> RESPONDENT**



**RULING**

1. This application was filed on 26<sup>th</sup> November 2021 which is nearly one year ago and there is no reason why, if the leave was obtained to file the substantive motion, the substantive motion was not filed in the same file as the one for leave to apply.
2. No such order for leave to apply is annexed to the motion dated 26<sup>th</sup> November 2021.
3. It is the duty of the Parties to file all necessary and critical documents to support the cause of action as required by law.
4. This matter is similar to HC JR No E009 of 2021. Both matters have been pending for nearly one year. The applicant ought to have known what documents are necessary to inform the court to make the orders sought.
5. I find this application for mandamus which is not accompanied by an order for leave premature and incompetent.
6. The application dated 26<sup>th</sup> November 2021 is hereby struck out with no orders as to costs.
7. File closed.
8. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2022**

**R. E. ABURILI**

**JUDGE**

