



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. MISC. E057 OF 2021

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF MANDAMUS AND PROHIBITION

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

ATTORNEY GENERAL.....1ST RESPONDENT

THE DIRECTOR NATIONAL COUNCIL OF PERSONS

WITH DISABILITIES.....2ND RESPONDENT

THE POLICY UNIT TECHNICAL MANAGER

KENYA REVENUE AUTHORITY.....3RD RESPONDENT

EX PARTE APPLICANT:

EDIN HASSAN IBRAHIM

RULING

1. Edin Hassan Ibrahim, the *ex parte* Applicant herein, has moved this Court in an application brought by way of Chamber Summons dated 24th April 2021, in which he is seeking the following orders against the Respondents herein:

1. This application be certified urgent and be heard on a priority basis dispensing with service in the first instance due to its urgency.

2. Leave be granted to the Applicant to apply for: -

a. an ORDER OF MANDAMUS to compel the Director National Council of Persons With Disabilities and the Policy Unit Technical Manager Kenya Revenue Authority Nairobi Station to restore and or reinstate the applicant to his previous position as a member of the National Council Of Persons With Disabilities, and further exempt him from paying any accrued Income Tax, and to compensate the Applicant from the day of his removal in the Council to date.

b. an ORDER OF PROHIBITION against the Respondents from interdicting, suspending or interfering, harassing, intimidating removing the Applicant name from the National Council of Persons With Disabilities and further subjecting the applicant any payment income tax.

c. Damages arising from the matters herein and interest thereon.

3. If leave is granted, a direction that the hearing of the judicial review be expedited.

4. Costs of this Application and the entire proceedings be awarded to the Applicant.

2. The said application is supported a verifying affidavit and supporting affidavit both deponed to by the *ex parte* Applicant on 24th April 2021. Upon perusal of the application, I note that it is brought pursuant to the provisions of Order 53 of the Civil Procedure Rules. However, the *ex parte* Applicant has not filed a statement in support thereof as required by Order 53 Rule 1 of the Civil Procedure Rules, neither are the grounds of the application stated. The application is therefore incompetently filed.

3. In the premises I hereby direct as follows:

I. The *ex parte* Applicant is granted leave to file a statement in support of his Chamber Summons dated 24th April 2021 within fourteen (14) days of today's date.

II. The Chamber Summons dated 24th April 2021 shall be heard on 10th May 2021.

III. The Deputy Registrar of the Judicial Review Division shall put this matter on the Division's causelist for hearing by email on 10th May 2021.

IV. The Deputy Registrar of the Judicial Review Division shall send a copy of these directions to the *ex parte* Applicant by electronic mail by close of business on Monday, 26th April 2021.

V. Parties shall be at liberty to apply.

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 23RD DAY OF APRIL 2021

P. NYAMWEYA

JUDGE