

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW MISCELLANOUS APPLICATION NO. E064 OF 2020

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

INSPECTOR GENERAL.....RESPONDENT

AND

EX PARTE:

FRANCIS NG'ANG'A MBUGGUA

RULING

1. Francis Ngángá Mbugua, the *ex parte* Applicant herein, has moved this Court by way of a Chamber Summons application dated 17th November 2020, which is supported by his affidavit sworn on the same date. The *ex parte* Applicant in his application is seeking leave to apply for an order of Mandamus to compel the Respondent to act on the *ex parte* Applicant's complaint filed on the 16th March, 2018. The said complaint is with regard to fraudulent activities which the *ex parte* Applicant claims were undertaken on his parcel of land by one Rachel Wanjiru.

2. A perusal of the said pleadings reveal as follows:

- a. From the description of the parties, it is not evident which person or entity is being sued, as the said Respondent is described as "Inspector General"
- b. The said Rachel Wanjiru, who is a party likely to be affected by these proceedings, has not been joined as a party.
- c. The *ex parte* Applicant's application is not supported by a statement as required by Order 53 Rule1 of the Civil Procedure Rules, and is therefore incompetently filed.

3. In light of the foregoing observations, I hereby order as follows:

- i. The Applicant's Chamber Summons dated 17th November 2020 is hereby struck out for being incompetently filed.**
- ii. There shall be no order as to costs.**

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 18TH DAY OF NOVEMBER 2020

P. NYAMWEYA

JUDGE