



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. MISC. E080 OF 2020

**IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF PROHIBITION,
CERTIORARI AND INJUNCTION**

BETWEEN

GEORGE KARANJA on behalf of

ALLIANCE OF SLUM MEDIA ORGANIZATIONSAPPLICANT

VERSUS

THE COUNTY DIRECTOR OF SOCIAL SERVICES

(NAIROBI) MINISTRY OF EAST AFRICAN

COMMUNITY & REGIONAL DEVELOPMENT1ST RESPONDENT

THE CO-OPERATIVE BANK OF KENYA

LIMITED.....2ND RESPONDENT

RULING

1. The Applicant herein have filed an application by way of a Chamber Summons dated 21st December 2020, seeking the following orders:

- a) **THAT the Court be pleased to grant leave to the Applicant to apply for an order of Certiorari to remove to this Court and to quash the decision made by the 1st Respondent on or about 1st December 2020, suspending the operations of the Applicant's bank account numbers [xxxx], [xxxx] AND [xxxx].[xxxx].**
- b) **THAT this Court be pleased to grant leave to the Applicant to apply for an order of Prohibition directed at the 1st Respondent, prohibiting him from hearing any complaint or making any decision, adverse or otherwise regarding the Applicant's bank account numbers [xxxx], [xxxx]and [xxxx].**
- c) **THAT the grant of leave as prayed by the Applicant herein does operate as a stay of the decision made by the Respondent, suspending the operations of the Applicants bank account numbers [xxxx], [xxxx] and [xxxx] or implementation of the decision by the 2nd Respondent.**
- d) **THAT this Court be pleased to grant an order of Injunction directed at the 2nd Respondent herein restraining it from implementing the administrative decision of the 1st Respondent or further freezing the Applicant's bank account numbers [xxxx], [xxxx] and [xxxx]pending the determination of the present application.**
- e) **THAT the Court be pleased to grant leave to the applicant to apply for order of assessment of damages and compensation to be paid by the 1st and 2nd Respondents.**
- f) **THAT the costs of this application be provided for**

2. The grounds for the application are stated in the Applicant's statutory statement dated 21st December 2020, and a verifying affidavit sworn on the same date by the Applicant. The Applicant's Advocate, George Lwande, also filed a supporting affidavit sworn on 21st December

2020.

3. The main grounds for the application are that the 1st Respondent has made a decision to suspend the operations of the Applicant's bank account numbers [xxxx], [xxxx] and [xxxx], held with the interested party, without giving the Applicant prior and adequate notice nor reasons for the said administrative action, and without according the Applicant an opportunity to be heard and make representations, contrary to the provisions of section 4 of the Fair Administration Act.

4. Further, that the 1st and 2nd Respondents have refused to provide the Applicant with a copy of the letter embodying the decision of the 1st Respondent or any documentation on the suspension of the bank accounts despite repeated requests by the applicant and their advocates on record.

5. After perusal of the pleadings, I note that the Applicant has not annexed any evidence of the impugned decision by the 1st Respondent, nor of the alleged request for the decision by its Advocates. The Advocate in this regard has averred to visits and telephone calls made to the 1st Respondent which are not supported by any evidence.

6. In addition, the Applicant has averred that there is a dispute between him and former officials of his organization which is the subject matter of court proceedings in **NRB CM MCCC Case No 2651 of 2020** which is currently pending at the Chief Magistrate Court, Milimani Law Courts and which the 2nd Respondent herein is a party. Lastly, the suspension of the Applicant's organization accounts are an issue in the said judicial proceedings. The Applicant annexed copies of pleadings filed in the said case.

7. In the premises I find that not only has the Applicant not demonstrated that he has an arguable case, but that the application by Chamber Summons application dated 21st December 2020 is also brought in abuse of the process of court.

8. I accordingly strike out the Chamber Summons application dated 21st December 2020 with no order as to costs.

9. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 22ND DAY OF DECEMBER 2020

P. NYAMWEYA

JUDGE