

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

JUDICIAL REVIEW NO 3 OF 2018

SALOME KENDI.....APPLICANT

VERSUS

1. COUNTY GOVERNMENT OF LAIKIPIA

2. LAIKIPIA COUNTY PUBLIC

ADMINISTRATION AND SERVICE

MANAGEMENT BOARD.....RESPONDENTS

R U L I N G

1. The *Ex Parte* Applicant herein, **SALOME KENDI**, applied by *ex parte* **chamber summons dated 11/07/2018** for leave to apply for judicial review and seek *certiorari*, *mandamus* and *prohibition* in respect to the decision of the 2nd Respondent, **Laikipia County Public Administration and Service Management Board** by which the *Ex parte* Applicant's licence to operate her club, **Silver Wind**, was suspended.

2. On 17/07/2018 the court directed that the application be served and heard *inter partes*. The parties chose to file written submissions. The *Ex Parte* Applicant's submissions were filed on 18/04/2019; those of the Respondents were filed on 26/06/2019. On that date the parties informed the court that they did not wish to highlight their submissions.

3. I have read the parties' submissions. I have also read the statement of facts and verifying affidavit filed together with the application, as well as the replying affidavit filed on 02/10/2018 by the Respondents. In response to that replying affidavit the *Ex Parte* Applicant filed a supplementary affidavit on 20/11/2018, which I have also read.

4. In the above-mentioned pleadings the parties have actually fully argued their respective cases as if the court was at this stage dealing with the substantive judicial review application filed after leave has been duly given!

5. It is not the function of the court at this preliminary stage to examine in detail the relative merits of the parties' cases. Suffice it to say that the court is satisfied that the *Ex Parte* Applicant has made out a *prima facie* case sufficient to grant her the leave sought. I will grant her that leave. Let her file and serve the substantive notice of motion as provided for in the Rules. It is so ordered.

6. As for the prayer that the leave now granted do operate as a stay, I decline to grant the same. I do not consider that it would be in the interests of justice to grant it.

7. Costs of this application shall be in the substantive notice of motion. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 23RD DAY OF JULY 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 25th DAY OF JULY 2019