



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
CIVIL MISC. APPLICATION NO. 51 OF 2017
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW PROCEEDINGS

AND

IN THE MATTER OF THE CONSTITUTION OF KENYA, 2010 LAW
REFORM ACT CAP, 26, THE CIVIL PROCEDURE ACT, CAP 21

BETWEEN

RAMBO RESOURCE LIMITED.....APPLICANT

VERSUS

DEPUTY COUNTY COMMISSIONER

MACHAKOS COUNTY.....RESPONDENT

DIRECTIONS

1. The Ex-parte Applicant vide an Application dated 5/4/2017 sought for leave to be granted to institute judicial review proceedings against the Respondent seeking orders of mandamus and certiorari do issue ordering the release of ex-parte Applicants twenty four (24) single slot gaming machines currently held by the Respondent and quash the decision of the Respondent to confiscate and detain the Applicant's gaming machines. The Applicant also sought for costs of the Application.
2. Upon a thorough perusal of the entire pleadings filed by the Ex-parte Applicant, there appears to be several other related suits namely **Constitutional Petition Numbers 447 of 2016 and 482 of 2016** pending at the High Court Nairobi (Constitutional and Judicial Review Division) and in which Conservatory orders have already been made. I find the issues raised by the Applicant would best be canvassed before the Judicial and Review Division of the High Court at Nairobi. This will also avoid a situation where the various courts might issue conflicting orders. This therefore calls for the transfer of this matter to Nairobi High Court (Judicial Review Division).
3. In light of the foregoing, this court's earlier order reserving this matter for ruling is hereby vacated and substituted with an order that this matter be and is hereby transferred to Nairobi High Court (Constitution and Review Division) for final disposal. The same to be mentioned at the said High Court on the **1st February, 2018** for directions and further orders.

It is so ordered.

Dated and delivered at Machakos this 18th Day of January, 2018.

D. K. KEMEI

JUDGE

In the presence of:-

Miss Mbuvi for Nyabero for the Applicant

No appearance for the Respondent

Kituva- Court Assistant