



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MURANG'A**  
**JUDICIAL REVIEW CAUSE NO 8 OF 2016**

**1. JOHN WAITHAKA IRUNGU**

**2. PETER WAIGURU IRUNGU T/A LONDON BAR...APPLICANTS**

**VERSUS**

**1. THE HON. ATTORNEY GENERAL**

**2. THE CHIEF NJOGU-INI LOC (SUED THROUGH**

**INSPECTOR-GENERAL, NATIONAL POLICE SERVICE**

**3. MURANG'A COUNTY GOVERNMENT.....RESPONDENTS**

**R U L I N G**

**1.** The Ex Parte Applicants herein, **John Waithaka Irungu** and **Peter Waiguru Irungu** (t/a London Bar) sought by **chamber summons dated 11/11/2016** leave of the court to apply for judicial review. The reliefs to be sought were orders of *certiorari* and *prohibition* as set out in the application. The application was accompanied by the usual statutory statement and verifying affidavit.

**2.** When the matter was placed before me on 16/11/2016 I directed, having considered the circumstances disclosed by the application, that it be served for hearing *inter partes*. Service was effected in due course and the 1<sup>st</sup> and 2<sup>nd</sup> Respondents entered appearance and filed **grounds of opposition dated 24/03/2017**. Those grounds are –

(i) That the application is frivolous, vexatious and an abuse of the court process.

(ii) That the Applicants do not have valid licenses to operate their business.

(iii) That the 2<sup>nd</sup> Respondent was merely carrying out his core duty of enforcing laws and regulations.

**3.** The 3<sup>rd</sup> Respondent never entered appearance and did not file any response to the application.

**4.** On 19/07/2017, and upon request by the Ex Parte Applicants' counsel, the court directed that the parties do file and exchange written submissions within 45 days of that date. The Ex Parte Applicants filed their submissions on 03/08/2017. When the matter came up for mention on 15/11/2017 none of the

Respondents had filed submissions.

5. I have considered the Ex Parte Applicants' submissions in light of the material now before the court. I am satisfied that a *prima facie* case has been made out for the grant of the leave sought, and I hereby grant prayers 2 and 3 of the *ex parte* chamber summons dated 11<sup>th</sup> November 2016. Let the necessary substantive motion be filed in accordance with the Rules.

6. As for prayer 4, I note that ordinarily trading licenses are granted or renewed annually. So, the license the subject of these proceedings must have expired by now. By granting prayer 4 the court would be reviving something that has already expired. I decline to do so.

7. Costs shall be in the substantive motion once it is filed.

**DATED AND SIGNED AT MURANG'A THIS 15<sup>TH</sup> DAY MARCH 2018**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 16<sup>TH</sup> DAY OF MARCH 2018**