

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

J.R.MISC.APP.NO.29 OF 2018

COUNTY GOVERNMENT OF NYANDARUA.....APPLICANT

VERSUS

CHIEF MAGISTRATE'S COURT AT ENGINEER.....RESPONDENT

R U L I N G

Before me is the Chamber Summons dated 29/6/2018. The applicant seeks leave to commence Judicial Review proceedings to seek orders of certiorari and mandamus against the Chief Magistrate's Court, Engineer.

I directed the applicant to serve the application for hearing interpartes.

Despite service, the Attorney General did not appear.

The applicant seeks to challenge the decision made by the Magistrate at Engineer. Judicial Review is a remedy that deals with the process by which a decision was arrived at but not the merits of the decision. In the instant case, the trial court has given a judgment which the applicant wishes to challenge. The challenge will be on the merits of the said decision but not the process by which the court arrived at it. I find that the court's jurisdiction is not properly invoked. The applicants should file an appeal and in it, file an application for stay of execution. The prayers in the Chamber Summons dated 26/6/2018 cannot be granted and is hereby dismissed.

Dated, Signed and delivered at Nyahururu 25th day of July, 2018.

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R.V.P Wendoh

JUDGE