



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW DIVISION**

**JR CASE NO 68 OF 2013**

**REPUBLIC.....APPLICANT**

**VERSUS**

**PERMANENT SECRETARY MINISTRY OF TRANSPORT ..... 1<sup>ST</sup> RESPONDENT**

**PERMANENT SECRETARY OFFICE OF THE PRESIDENT .....2<sup>ND</sup> RESPONDENT**

**EX-PARTE**

**KAVATA MWANZI**

**JUDGEMENT**

Through the notice of motion dated 21<sup>st</sup> March, 2013 Kavata Mwanzi (the ex-parte applicant) prays for an order of mandamus to compel the Permanent Secretary of the Ministry of Transport (the 1<sup>st</sup> respondent) and the Permanent Secretary of the Office of the President (the 2<sup>nd</sup> respondent) to pay her the sum of Kshs.3,218,713.90 together with interest thereon until payment in full.

The applicant's case is that she successfully sued the Attorney General in Nairobi High Court Civil Suit No. 531 of 2003 as a result of unlawful detention of her motor vehicle registration number KAQ 126F. On 14<sup>th</sup> December, 2011 a certificate of order against the government for Kshs.3,218,731.90 was issued in that case.

The applicant avers that despite demand the respondents have refused to pay the decretal amount. The respondents did not reply to the application.

An order of mandamus is issued to a public authority to perform its statutory duty where it has failed to do so after being asked to comply by an applicant. The applicant before this Court has demonstrated that the respondents have a statutory duty to pay the decretal amount of Kshs. 3,218,731.90-see Section 21(3) of the Government Proceedings Act (Cap. 40). She has also demonstrated that demands have been made and the respondents have failed to comply. The application therefore succeeds and an order of mandamus shall issue as prayed. The applicant will also have the costs of the application.

Dated, signed and delivered at Nairobi this 30<sup>th</sup> day of April, 2014

**W. KORIR,**

**JUDGE OF THE HIGH COURT**