



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI LAW COURTS)

JUDICIAL REVIEW NO. 341 OF 2014

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW ORDERS OF
CERTIORARI, MANDAMUS AND PROHIBITION**

BETWEEN

REPUBLIC.....APPLICANT

-VERSUS-

NAIROBI CITY COUNTY GOVERNMENT.....1ST RESPONDENT

NAIROBI CITY COUNTY GOVERNMENT EXECUTIVE

COMMITTEE MEMBER, ROADS, PUBLIC

WORKS AND TRANSPORT.....2ND RESPONDENT

AND

TRIPLE S SERVICES CO. LTD.....INTERESTED PARTY

***EX-PARTE:* NUCLEUR INVESTMENTS LTD**

ZIPPORAH WANGARI KIMANI t/a JAMAA GROCERS

RULING

1. I have considered the application dated 16th September, 2014. This court on 10th September 2014 gave some conservatory orders in form of a stay.
2. It is alleged that the same orders are not being adhered to and the Police are reluctant to oversee their observance and enforcement.
3. Section 24 of the *National Police Service Act* enjoins the police to *inter alia* maintain law and order and it is my view that that includes ensuring that the Rule of Law, which is one of the values and principles under Article 10 of the Constitution is maintained. The Rule of Law, in my view, entails obedience to lawful Court orders.
4. Accordingly, it is my view that even in the absence of an express order enjoining the police to

ensure court orders are adhered to the police are under a statutory and constitutional obligation to do so.

5. Whereas it is not the duty of police officers to execute orders issued in purely civil suits, orders issued in Judicial Review Applications such as this one which, are Public Law remedies can be superintended by the police.
6. Accordingly, I grant prayer 2 of the Motion dated 16th September 2014 and direct the OCS Kamkunji Police Station to oversee the strict observance and enforcement of the orders given herein on the 10th September 2014.

Dated at Nairobi this 17th September 2014

G V ODUNGA

JUDGE

Delivered in the presence of:

Mr. Harrison Kinyanjui for the Applicant

Cc Patricia.