

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Petition 81 of 2013

OLIVER LEMACHON OLESEKI.....APPLICANT

AND

THE RETURNING OFFICERS KAJIADO.....1ST RESPONDENT

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION2ND RESPONDENT

RULING

I have considered the petition and it is grounded on the decision of the Returning officer evidenced by the Form 16 where he endorsed, “*Not cleared since he arrived past 4.00pm (10 minutes late).*” The petitioner’s contention is that the returning officer’s decision endorsed is not true as he was already at the centre. He now seeks relief from this court. In view of the returning officer’s decision, the proper remedy is to appeal against the decision to reject his papers under the provision of **Article 88(4)(e)** as read with **section 74** of the *Elections Act* and the *Rules on Settlement of Disputes*.

As there is an effective remedy, I decline to entertain this petition and it is consequently dismissed with no order as to costs.

Dated and Delivered at Nairobi this 7th February 2013

D.S. MAJANJA

JUDGE