

REPUBLIC OF KENYA

High Court at Kakamega

Judicial Review 43 of 2012

**IN THE MATTER OF APPLICATION FOR JUDICIAL REVIEW ORDERS OF CERTIORARI
& PROHIBITION AGAINST THE D.C. KAKAMEGA CENTRAL DISTRICT**

AND

IN THE MATTER OF ALCOHOLIC DRINKS CONTROL ACT 2010 LAWS OF KENYA

AND

REPUBLICAPPLICANT

VERSUS

THE DISTRICT COMMISSIONER – KAKAMEGA CENTRALRESPONDENT

AND

ANDREW KOROSO MARWAEX-PARTE APPLICANT

RULING

This Notice of Motion dated 30th October 2012 seeking certiorari and prohibition orders against the respondent, the District Commissioner, Kakamega Central who was served with the application on 05th December, 2012 and which was stamped as so received. No response to the application was however filed by the respondent.

When the application came up for hearing on 20th February, 2013 counsel for the applicant, Mr. Getanda asked the court to grant the prayers sought. I find no reason to decline to the request, as the application has not been opposed.

I therefore allow this application brought by way of Notice of Motion dated 30th October 2012 and grant the certiorari and prohibition orders as requested in prayers 1 and 2. The respondent will pay the costs of ex-parte applicant.

It is so ordered.

Dated and delivered at Kakamega this 18th day of April, 2013

**George Dulu
JUDGE**