



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW NO. 218 OF 2013

BETWEEN

REPUBLIC.....APPLICANT

AND

THE INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION1ST RESPONDENT

THE NATIONAL ALLIANCE (TNA) PARTY.....2ND RESPONDENT

THE SPEAKER

NYANDARUA COUNTY ASSEMBLY.....3RD RESPONDENT

MOSES MWICIGI.....4TH RESPONDENT

JOYCE NYAMBURA NGANGA.....5TH RESPONDENT

DAVID MWANGI NDIRANGU.....6TH RESPONDENT

ANN WAITHIRA KINERO.....7TH RESPONDENT

MARGARET WAMUYU.....8TH RESPONDENT

MONICA WAMUYU.....9TH RESPONDENT

REBECCA NYANGATI.....10TH RESPONDENT

NANCY WAMBUI.....11TH RESPONDENT

BETH WAHITO.....12TH RESPONDENT

DORCAS NYAMBURA.....	13 TH RESPONDENT
PATRICIA WANJUGU.....	14 TH RESPONDENT
TIZIANA WANJIRU.....	15 TH RESPONDENT
JANE MUTHONI.....	16 TH RESPONDENT
REHAB WANJEHIAH.....	17 TH RESPONDENT
MIRIAM WAHURA.....	18 TH RESPONDENT

EXPARTE LYDIAH NYAGUTHII GITHENDU

JUDGMENT

1. The Notice of Motion dated 3rd July 2013 seeks an order of certiorari to quash the decision of IEBC Dispute Resolution Committee in relation to The National Alliance Party (TNA) party list for Nyandarua County. The applicant claims that the list does not conform to the provisions of **Article 90(2)(b)** and **177(1)(b)** and **(c)** of the Constitution.
2. The ex-parte applicant filed **Complaint No. 2541/2013** before the Committee. In its decision of 7th June 2013, it stated that, ***“the issue is whether the published TNA list has errors and repetitions. Whether some of those listed as Youth and Persons with Disabilities qualify to be in this category. Whether David Mwangi Ndirangu and Ann Waithira Kionero qualify in this category. Whether the issue of regional balance is requirement of the law in a county. Whether party nomination fees should be refunded.”*** The Committee concluded that the matter had been adjudicated upon as it was dismissed in its decision of 4th May 2013 and is *res judicata* and no further evidence adduced to prove the allegations.
3. We have considered the depositions and the decision of the Committee. In our view the matter raised concerns the party list submitted by TNA and as such the matter is a party matter. We find no basis to interfere with the decision of the Committee.
4. The application is dismissed.

DATED and DELIVERED at NAIROBI this 12th July 2013

MUMBI NGUGI

D.S. MAJANJA

W. K. KORIR

JUDGE

JUDGE

JUDGE