



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

MISC. APPLICATION NO. 72 OF 2011

**IN THE MATTER OF: THE LAW REFORM ACT, CHAPTER 26 OF
THE LAWS OF KENYA**

IN THE MATTER OF: DISTRICT LAND DISPUTE TRIBUNAL

IN THE MATTER OF: RES JUDICATA

**IN THE MATTER OF: AN APPLICATION BY APPLICANT
PAUL NJAGI KAPINGANZI FOR LEAVE TO APPLY FOR CERTIORARI
AND PROHIBITION**

PAUL NJAGI KAPINGAZIAPPLICANT

VERSUS

**ATTORNEY GENERAL.....1ST RESPONDENT
DISTRICT LAND TRIBUNAL 2ND RESPONDENT
JOHN NTHIGA ZAKARIA 3RD RESPONDENT**

RULING

This is a chamber application by the ex-parte Applicant who seeks leave to bring Judicial Review Proceedings in nature of Certiorari and Prohibition. He seeks that the leave granted do operate as stay of execution of the order of the Land Disputes Tribunal dated 23rd June 2011. It is not indicated which Land Disputes Tribunal made the order that is sought to be quashed. The 2nd Respondent is only described as “District Land Dispute Tribunal.”

Secondly, under Order 53 rule 1(2) of the Civil Procedure Rules it is mandatory that an application for leave be accompanied by a statement setting out the name and description of the Applicant, the relief sought, and the grounds on which it is sought, and by affidavits verifying the facts relied on. No statement of facts or verifying affidavit was filed to support this application. Only a “supporting affidavit” was filed.

Thirdly, the order sought to be quashed was not annexed. Consequently, the application is

incompetent and is struck out with costs.

DATED, SIGNED AND DELIVERED AT EMBU THIS 28TH DAY OF JULY 2011

**A.O. MUCHELULE
JUDGE**