

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

JUDICIAL REVIEW NO. 51 OF 2011

REPUBLIC.....

.....APPLICANT

VERSUS

THE HON. THE ATTORNEY GENERAL.....1ST

RESPONDENT

THE MINISTER FOR LANDS AND SETTLEMENT.....2ND

RESPONDENT

JOHN NGURE GACHARE.....3RD

RESPONDENT

JOHN MUGO NJERU.....EX-PARTE

APPLICANT

DAVID NGARI NJIRU.....

.....INTERESTED PARTY

RULING

This is the exparte Application dated 19/8/2011 under certificate of urgency for leave to file Judicial Review for an order of Certiorari. The same is supported by a verifying affidavit and statement of facts.

The issue is on the powers of the Minister to arbitrate on land that had been purchased. The Applicant says he acted *ultra vires*.

I am satisfied that the papers have been filed and are in order. They raise arguable issues.

I therefore grant prayers No. 1 and 2 of the Application. Prayer 2 is limited to 60 days. The Applicant to file and serve the substantive motion within 21 days.

DELIVERED, SIGNED AND DATED AT EMBU IN OPEN COURT THIS 31ST DAY OF OCTOBER 2011.

**H.I. ONG'UDI
JUDGE**