



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

JUDICIAL REVIEW NO. 33 OF 2011

REPUBLIC.....APPLICANT

VERSUS

**CHAIRMAN EMBU DISTRICT LAND DISPUTES.....RESPONDENT
CYRUS NJERU).....INTERESTED PARTIES
MARY MUTHONI)
GRACE KANYIVA)**

MURIUKI IRERI.....EX-PARTE APPLICANT

R U L I N G

This is the Application dated 25/5/2011 brought under Order 53 Rule 1 of the Civil Procedure Rules for leave to file Judicial Review and apply for orders of Certiorari, against the orders of the Embu District Tribunal Committee.

The same is pending before Chief Magistrate's court as Award No. 30/2011.

Filed is also the verification affidavit plus statement of facts.

The issue here is jurisdiction. Mary Muthoni filed a Replying Affidavit and all the three interested Parties replied orally to the Applicants' Application for leave which was filed within 2 months of the Tribunals award. The issue of jurisdiction is a serious one and the court must be given an opportunity to deal with it.

I therefore grant leave sought and give the Applicant 21 days within which to file and serve the substantive Notice of Motion. The leave shall operate as stay. Cost in cause.

DATED, DELIVERED AND SIGNED IN OPEN COURT THIS 19TH DAY OF OCTOBER 2011.

**H.I. ONGUDI
JUDGE**