



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU
JUDICIAL REVIEW NO. 65 OF 2010

REPUBLIC.....
.....APPLICANT
VERSUS
THE DISTRICT LAND DISPUTES CENTRAL DIVISIONS.....1ST
RESPONDENT
SENIOR RESIDENT MAGISTRATE KERUGOYA.....2ND
RESPONDENT
RICHARD MUGO GICHANGI.....3RD
RESPONDENT
AND
EXPARTE
ANTHONY WACHIRA NDUMBI.....INTERESTED
PARTY

RULING

The Applicant has come before this court by way of Chamber Summons seeking leave to file an order of Certiorari and Prohibition and that the leave operates as stay. It is supported by a statement of facts plus a verifying affidavit.

The orders he seeks to be quashed were issued by the Land Disputes Tribunal and later confirmed by the court on 28/9/2010 and on 2/11/2010 respectively. He filed this Application on 25/11/2010 which was within the stipulated period of 6 months.

Both counsels have filed their rival submissions opposing and supporting the application. Remember it's an application for leave not the substantive one! After confirming that the application has been filed within the required period, the next issue is whether the Application raises any issue which should be articulated on by this court.

The issue raised here is jurisdiction. Did the Tribunal have jurisdiction to give the orders it gave? Without looking into the merits or lack of it the Application raises an issue for consideration by this court. I therefore grant the leave sought by the Applicant and grant him 21 days to file the substantive motion.

I also grant prayer No. 3 of the Chamber Summons. The stay will be for 60 days.

DATED, DELIVERED AND SIGNED AT EMBU THIS 13TH DAY OF DECEMBER 2011.

H. I. ONG'UDI
JUDGE