

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Misc Civil Appli 32 of 2009

IN THE MATTER OF AN APPLICATION BY:

ABEL NYAMICHABA KENYORU APPLICANT

VERSUS

PERMANENT SECRETARY

MINISTRY OF FOREIGN AFFAIRS 1ST RESPONDENT

MINISTRY OF IMMIGRATION 2ND RESPONDENT

ATTORNEY GENERAL 3RD RESPONDENT

AND

**IN THE MATTER OF THE CANCELLATION OF THE DIPLOMATIC PASSPORT NO
DOO9176**

CONTRARY TO THE KENYA FOREIGN SERVICE REGULATION 2000

RULING

When this matter came before me under a certificate of urgency I ordered that the application for leave should be heard inter-parties.

I have since heard the parties and formed the view that there are several arguable points to go to the next stage.

This being the threshold stage, I have guarded myself from making any findings or holdings on any point despite lengthy submissions having been made by Counsel.

I therefore grant leave in terms of prayers 1 and 2 of the application dated 20th January 2009. I decline to order that leave operates as stay as prayed or at all because the effect of granting stay would be to grant final relief without hearing the matter on merit. I hold that the interests of justice will be served better by having the substantive application for judicial review fasttracked for hearing. In this regard I direct that the application be filed and served within 10 days. Upon compliance with this direction the matter be mentioned on 11th March, 2009 at 9 00 a.m for directions.

Costs in the cause.

DATED and delivered at Nairobi this 25th day of February, 2009.

J.G. NYAMU

JUDGE