

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Election Petition 31 of 2009

1. TITUS GATITU KARIUKI
2. SIMON RYBOY MWANGI
3. PAUL TAMA MUMBI
4. GRACE WACHIRA5.
5. JOHNSON NYAGA KIBIRA
6. SIMON WACHI
7. LUCY NYOKABI
8. KIMONDO NDIRANGU.....APPLICANTS

VERSUS

THE PERMANENT SECRETARY
MINISTRY OF LABOUR AND HUMAN RESOURCE.....RESPONDENT

R U L I N G

This is an Ex parte Chamber Summons dated 26th March 2009 and expressed to be brought under Order LIII (1) (i) and 3 of the Civil Procedure Rules and Section 3A of the Civil Procedure Act in which the Applicants seek orders that they be granted leave to apply for Judicial review. In support of the application TITUS GATITU KARIUKI has sworn an affidavit in which he avers that he was allotted plot No 112/Kariobangi South section VI by the City Council of Nairobi; that on 27th February 2009, a group of people numbering about 50 came and started digging trenches in preparation to extend the existing fence of JUA KALI Demonstration Centre, alleging that it was a directive from the Permanent Secretary Ministry of Labour and Human Resources. Mr Ngani Counsel for the Applicant submitted that the said directive from the Permanent Secretary was illegal as the Applicants had been allocated the suit land by City Council for a period of 99 years and asked this court to grant the orders sought.

After considering the Applicants' application in light of the affidavit evidence on record and submissions by Counsel I am satisfied that it is meritorious.

Accordingly I allow the applications in terms of prayers (b) and (c) of the Ex parte Chamber Summons dated 26th March 2009.

Dated and delivered at Nairobi this 11th day of June 2009.

J. L. A. OSIEMO

JUDGE