



REPUBLIC OF KENYA

REPUBLIC..... APPLICANT

V E R S U S

IN THE MATTER OF JUDICIAL REVIEW UNDER ORDER LIII OF THE CIVIL PROCEDURE (REVISED) RULES, THE LOCAL GOVERNMENT ACT, CAP. 265 AND FOR LEAVE TO APPLY FOR ORDERS OF CERTIORARI, MANDAMUS AND PROHIBITION

AND

IN THE MATTER OF STAY OF PUBLICATION OF ELECTIONS IN THE KENYA GAZETTE AND THE NULLIFICATION OF THE ILLEGAL, UNLAWFUL AND IRREGULAR CIVIL ELECTIONS FOR THE OLKEJUADO COUNTY COUNCIL HELD ON 1ST JULY, 2009 AND ORDERS FOR FRESH ELCTIONS

AND

IN THE MATTER OF AN APPLICATION BY THE COUNTY COUNCIL OF THE OLKEJUADO COUNTY COUNCIL

- PETER SANKALE KURRINYO..... 1ST APPLICANT**
- PARSERETI OLE NGOMEA.....2ND APPLICANT**
- PAUL TONKEI LORKINYIEI 3RD APPLICANT**
- JOHN MAINA MUTIGA..... 4TH APPLICANT**
- KAPURUA SOINE..... 5TH APPLICANT**
- SOLITEI MEELI..... 6TH APPLICANT**
- KARIUKI FELIX..... 7TH APPLICANT**
- JAMES PAREYIO.....8TH APPLICANT**
- PETER MUNENE MUNYU.....9TH APPLICANT**
- HENRY KIMITI.....10TH APPLICANT**
- SOPHIA KISAU.....11TH APPLICANT**

JANE SARUNI.....	12 TH APPLICANT
MOSES NAILOLE.....	13 TH APPLICANT
MESHACK LENKOINA.....	14 TH APPLICANT
TIMOTHY SAIGILU.....	15 TH APPLICANT
JAMES KUYA.....	16 TH APPLICANT
SARINKE PARPOKA.....	17 TH APPLICANT
STEPHEN SARBABI.....	18 TH APPLICANT
DAVID ASSAPE.....	19 TH APPLICANT
DANIEL NAIKUNI.....	20 TH APPLICANT
JULIUS NTAYIA.....	21 ST APPLICANT
SAIME OLE LONKOI.....	22 ND APPLICANT
MAKUI WUNTAL.....	23 RD APPLICANT
JOHN MATINDA.....	24 TH APPLICANT
NJARO OLE KILEU.....	25 TH APPLICANT
MEITAMEI LONINA.....	26 TH APPLICANT
JOSHUA OLO WUASA.....	27 TH APPLICANT

AND

IN THE MATTER OF

THE PERMANENT SECRETARY LOCAL GOVERNMENT.....	1 ST RESPONDENT
THE CLERK OF THE OLKEJUADO COUNCIL COUNCIL.....	2 ND RESPONDENT
INDEPENDENT INTERIM ELECTORAL COMMISSION.....	3 RD RESPONDENT
ATTORNEY GENERAL.....	4 TH RESPONDENT
TARAYIA OLE KORES.....	5 TH RESPONDENT
LENTIYO KURAO NKOKUA.....	6 TH RESPONDENT
SIMON NKAO METITO.....	7 TH RESPONDENT

RULING

This is a Chamber Summons dated 14th July, 2009 filed by M/s Naikuni Ngaah & Miecha advocates on behalf of 27 applicants. There are 7 respondents named. It was brought under Order LIII rule 1, 2(2) of the Civil Procedure Rules and seeks leave to challenge purported elections of the Ole Kejuado County Council. I have also been asked to grant that leave do operate as a stay.

The application is supported by **STATUTORY STATEMENT** and a **VERIFYING AFFIDAVIT**. Mr. Naikuni for the applicants also addressed me emphasizing that an election of the County Council Committee officials held on 1st July, 2007 was irregular, and therefore called for judicial review reliefs.

Having considered the application, I am of the view that leave be granted to commence judicial review proceedings. The applicants have an arguable case. As for stay, I find no compelling reason to grant same, since in my view the interest's of the operations of the County Council, on the face of it, have to be protected as against the interests of any party or group. Such stay orders are not advisable or desirable at this threshold stage.

Consequently, I orders as follows-

1. *Leave is granted to the applicants to file judicial review proceedings for certiorari, mandamus and prohibition. The Notice of Motion will be filed within 21 days.*
2. *I decline to grant a stay orders.*
3. *Costs will follow the decision of the Notice of Motion to be filed.*

Dated and delivered at Nairobi this 27th day of July, 2009.

George Dulu

Judge