



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI LAW COURTS)

MISC CIVIL CASE 399 OF 2009 (J.R.)

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR ORDERS OF
CERTIORARI AND**

PROHIBITION

AND

IN THE MATTER OF THE CONSTITUTION OF KENYA

AND

**IN THE MATTER OF KENYA BUSINESS COMMUNITY CO-OPERATIVE SAVINGS &
CREDIT SOCIETY**

LIMITED

AND

IN THE MATTER OF THE COOPERATIVES SOCIETIES ACT CAP. 490

BETWEEN

ATTORNEY-GENERAL.....1ST DEFENDANT/APPLICANT

MINISTER FOR COOPERATIVES

DEVELOPMENT & MARKETING.....2ND DEFENDANT/RESPONDENT

Members of the task force on pyramid schemes

John Nyenze (Chairman).....3TH DEFENDANT/RESPONDENT

DAVID ODHIAMBO ODUOR.....4TH DEFENDANT/RESPONDENT

SAKINA ADAN (MRS)5TH DEFENDANT/RESPONDENT

ZEBEDEO ONGUTI..... 6TH DEFENDANT/RESPONDENT

HANOLD RURIGI MWAI.....7TH DEFENDANT/RESPONDENT
JOSEPH KIBOWEN KIBIWOTT.....8TH DEFENDANT/RESPONDENT
AMB. JOHN MUKURIAH.....9TH DEFENDANT/RESPONDENT
MACHANJA LIGABO (DR.).....10TH DEFENDANT/RESPONDENT
EMILY MANGA MWACHOO (MRS).....11TH DEFENDANT/RESPONDENT
PHILIP GICHUKI (SECRETARY).....12TH DEFENDANT/RESPONDENT

RULING

Having considered the application for leave to file judicial review proceedings herein, I am of the view that applicants have demonstrated an arguable case. I will grant them leave to file judicial review proceedings.

I have been requested to grant stay orders. The facts disclosed do not indicate what stage the process complained of has so far gone. However, I will give the benefit of doubt to the applicants. I will grant limited stay.

I have been asked that documents filed be deemed properly filed. This appears to be request to dispense with prior service of notice on the Registrar. It is also not specific. I will however dispense with service of notice on Registrar.

Consequently, I order as follows-

- 1. I dispense with requirement of prior service of notice on the Registrar.***
- 2. Leave is granted to applicants to file judicial review proceedings for certiorari and prohibition. The Notice of Motion will be filed and served within 10 days from today, otherwise leave automatically lapses.***
- 3. I grant a stay of release and/or further implementation of the decisions (only with respect to the applicants herein) up to 31st July, 2009, unless varied or extended by this court.***

Dated and delivered at Nairobi this 13th day of July, 2009.

George Dulu

Judge.