

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT EMBU

Misc. Civil Appli. 16 of 2007

KINUTHIA KAROGO.....APPLICANT

VERSUS

MWEA IRRIGATION SCHEME ADVISORY

COMMITTEE.....1ST RESPONDENT

FRANCIS KAMOTHO KARAGO.....2ND RESPONDENT

RULING

Notice of Motion dated 17/12/2008 in Judicial Review is opposed. A point of objection was filed by the interested party and argued before court. I have perused the Preliminary Objection and the Notice of Motion, I find the Mwea Irrigation Scheme Advisory Committee not to be a statutory body established with the functions of judicial or quasi judicial powers and therefore it is not amenable to provisions of Judicial Review. Matters of Irrigation scheme are controlled and provided for under the Irrigation Act. The role of the Advisory Committee is purely to advise and the Board is empowered to act on the advice of the Committee. The Preliminary Objection is upheld application is dismissed with costs.

Dated this 25th April, 2008.

J. N. KHAMINWA

JUDGE

25/4/2008

Khaminwa – Judge

Njue- Clerk

Mr. Mutahi HB for Mugambi.

Read in open court.

J. N. KHAMINWA

JUDGE