



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Misc Civ Appli 353 of 2007**

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

**AND**

**IN THE MATTER OF THE HOUSING ACT**

**BETWEEN**

**MOSES NDERITU KIMARU & OTHERS.....APPLICATION**

**VERSUS**

**MINISTRY OF HOUSING.....RESPONDENT**

**RULING**

In this matter after scrutinising the statement, verifying affidavit and the submissions of Counsel I find on a prima facie basis that there is an arguable case based on the principle of legitimate expectation on the part of the applicants. At the other end of the scale the targatted decision maker namely the Housing Ministry the matter does touch on issue of policy. In the light of the two considerations I grant leave in terms of the application dated 3<sup>rd</sup> April 2007 but at the same time refuse to order that leave operates as stay.

Costs shall abide the outcome of the Judicial Review application.

Applicants at liberty to apply for the fast tracking of the main application.

Dated and delivered at Nairobi this 11<sup>th</sup> day of May 2007.

**J.G. NYAMU**

**JUDGE**