

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NYERI

Misc Appli 177 of 2004

NANYUKI MUNICIPAL COUNCILAPPLICANT

Versus

COMMISSIONER OF LANDS.....1ST RESPONDENT

CHIEF LAND REGISTRAR.....2ND RESPONDENT

RULING

From what has been brought to my attention during the hearing of the Notice of Motion (Ex-parte) dated 6th November, 2004, the same is hereby dismissed for the following reasons:

First, the application does not show, in the head notes, who the other intended parties are.

Secondly, Order L III Rule 2 fixing the period within which leave to file proceedings for orders of certiorari must be sought is mandatory.

Thirdly, order XLIX of the Civil Procedure Rules, like any other Civil Procedure Rules, other than order L III, do not apply to Judicial Review proceedings.

Dated this 21st day of may, 2006.

J. M. KHAMONI

JUDGE