

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT ELDORET
Misc Civ Appli 74 of 2006

REPUBLIC APPLICANT

VERSUS

1. CHAIRMAN LICENSING COURT

2. THE ATTORNEY GENERAL RESPONDENTS

3. PETER KOECHEX-PARTE APPLICANT

J U D G E M E N T:

I have considered the application amended on 8th June, 2006 and submissions by counsel. The 1st Respondent on 29th June, 2005 cancelled the applicant's liquor licence. The ground given was that the premises was in a residential area and it constituted a public nuisance and created insecurity. It is clear that this Notice and cancellation was in breach of section 12 of Liquor Licencing Act.

There was no objection served on the applicant and of more importance no hearing took place. No cancellation could take place without hearing and if the Applicant requested to be given a right to reply within a period of not less than 7 days.

This was in clear violation of a statutory provision and also the Principles of natural justice. If the Chairman of the Liquor Licensing Court wishes for the revocation of the licence he must abide by and follow due process and the law.

I do hereby grant prayers (a), (b) and (c) of the Application amended on 8th June, 2006. The 1st respondent shall pay the Applicant's costs.

DATED AND DELIVERED AT ELDORET ON THIS

12TH DAY OF JULY, 2006.

M. K. IBRAHIM

JUDGE