

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CONSTITUTIONAL REFERENCE No. 3 OF 2004

IN THE MATTER OF: AN APPLICATION UNDER SECTION 70, 75 AND
84 OF THE CONSTITUTION OF THE REPUBLIC
OF KENYA

A N D

IN THE MATTER OF: THE LOCAL GOVERNMENT ACT CAP.265 LAWS
OF KENYA AND SECTION 263A

A N D

IN THE MATTER OF: HCCC. No.526 OF 2000 – JITEGEMEE SACCO
SOCIETY LTD vs THE MUNICIPAL COUNCIL OF
MOMBASA

BETWEEN

JITEGEMEE SACCO SOCIETY LTD.....APPLICANT

=V E R S U S=

1.MINISTER FOR LOCAL GOVERNMENT.....1ST RESPONDENT

2.THE HONOURABLE ATTORNEY-GENERAL.....2ND RESPONDENT

THE MUNICIPAL COUNCIL OF MOMBASA.....INTERESTED PARTY

26/7/2004

Coram: Before Hon. Khaminwa, J.

Mr. Njuguna – for the Applicant

Mr. Okello – for the Respondent

- for the Interested Party

Court Clerk – Chege

11.00 A.M.

Mr. Gikandi – now in court.

Mr. Gikandi I have served the Interested Party.

This is a Constitutional Court to declare null and void section of Local Government Act and Section 75 of Constitution. We pray that this file be forwarded to Chief Justice for that purpose. We ask for Mention date. This is very urgent matter. Employee of Municipal Council which has been in retained by the Council. They should remit to the society for use of the society.

Mr. Okello I do not object to prayers. It is my view that the Interested Party (Mombasa Municipal Council) should be served.

Court

Subject to service upon the Interested Party this file shall placed before the Hon. Chief Justice for further direction and appointment of a Constitutional Court forthwith.

Deputy Registrar is directed to ensure file transported to the office of Chief Justice at once.

Dated at Mombasa this 26th day of July, 2004.

**JOYCE KHAMINWA
J U D G E**

Mention on 25th August, 2004.

JOYCE KHAMINWA, J.