



IN THE HIGH COURT OF KENYA  
AT MOMBASA  
MISCELLANEOUS CIVIL SUIT NO. 196 OF 2001  
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW FOR THE  
ISSUANCE OF THE WRITS OF MANDAMUS  
AND  
IN ACCORDANCE WITH ORDER LIII OF THE CIVIL PROCEDURE RULES  
AND SECTION 3A AND 63 OF THE CIVIL PROCEDURE ACT CAP. 21 LAWS  
OF KENYA  
REPUBLIC OF KENYA  
VERSUS  
THE COMMISSIONER OF LANDS..... RESPONDENTS  
AND

- 1. KHELEF KHALIFA**
- 2. SHEIKH ALI SHEIKH**
- 3. SHEIKH MOHAMED DOR**
- 4. SHEIKH JUMA NGAO**
- 5. MUNI MAZRUI**
- 6. SHEIKH MOHAMED KHALIFA**

RULING

The applicant seeks orders for Judicial Review by way of Notice of Motion dated 17.12.2000 supported by affidavit and statement as required by provisions of Order 53. CPC. Rules.

The application was served on the Commissioner of Lands. Hearing Notice was served and accepted on 20.5.2002 for hearing on 4.6.2002. No appearance has been made and no replying affidavit has been filed. Upon perusing the application the supporting affidavit and the statement I observe that the documents relating to land and kept in the Lands Office are public documents and should be made available to members of public at any time. The Land Registries of the Commissioner of Lands are open to members of public during working hours. There being no explanation as to why the applicants are refused access, I am satisfied that orders sought are appropriate.

The application is allowed and orders granted as prayed. Costs of this application shall be to the applicants.

Dated this 5th Day of July 2002.

**J. KHAMINWA**  
**COMMISSIONER OF ASSIZE**

Mr. Mungatana present