



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISC APPLICATION NO. 250 OF 2000**

**STEPHEN NJUGUNA THUO & 6 OTHERS..... APPLICANT**  
**VERSUS**  
**MINISTER FOR LOCAL GOVERNMENT**  
**& ANOTHER.....DEFENDANT**

**RULING**

Applicants seek leave to apply for an order of certiorari to bring into the High Court and quash the decision of 10.8.99 to call an Annual General Meeting of 2nd respondent for purposes of electing a mayor on 11.8.2000. The supporting statement shows that a mayor was indeed elected at meeting of 11.8.2000.

The statement further shows that applicants claim that the notice was short and contrary to the law and that the meeting and subsequent election was ultra vires.

The Notice convening the meeting is dated 10.8.99. The elections were held on 11.8.99. The present application was filed on 17.3.2000. By order LIII Rule 2 CP Rules leave shall not granted to quash any proceedings for purposes of its being quashed. Unless the application for leave is made not later than six months after date of the proceedings.

For all intents and purposes applicants intend to challenge the proceedings of 11.8.99 in which a mayor was elected.

The application for leave was filed after the expiry of more than 7 months from the date of proceedings or decision. The application having been filed after the expiry of six months from date of proceedings or decision is incompetent.

In any case applicants intend to challenge elections of mayor held over 7 months ago. They are guilty of laches and it is not just to allow then to challenge the elections too late in the day.

The application for leave is therefore dismissed.

**E. M. Githinji**

**Judge**

**23.5.2000**

Mr. Nyamondi for Wetangula present