



Muna v Principal Secretary State Department of Sports Development & 3 others (Judicial Review Application E282 of 2024) [2025] KEHC 260 (KLR) (Judicial Review) (21 January 2025) (Ruling)

Neutral citation: [2025] KEHC 260 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E282 OF 2024
RE ABURILI, J
JANUARY 21, 2025**

BETWEEN

NICHOLAS KARIMI MUNA APPLICANT

AND

**PRINCIPAL SECRETARY STATE DEPARTMENT OF SPORTS
DEVELOPMENT 1ST RESPONDENT**

**CABINET SECRETARY NATIONAL TREASURY AND PLANNING 2ND
RESPONDENT**

**SPORTS, ARTS AND SOCIAL DEVELOPMENT FUND OVERSIGHT
BOARD 3RD RESPONDENT**

ATTORNEY GENERAL 4TH RESPONDENT

RULING

1. This matter arises from judgment in ELRC E058/2022 *Nicholas Karimi Muna v John Mark Wambugu & 4 others*. Costs were awarded to the exparte applicant and now he seeks leave of this court to apply for Judicial Review orders of mandamus to compel the judgment debtor 3rd Respondent to settle.
2. The Employment, Labour and Relations Court has equal status with this court. However, their respective jurisdictions are distinct and vested by the Constitution and respective Acts of Parliament.
3. This court is expressly barred by Article 165(5) (b) of the *Constitution* from hearing and determining disputes which are reserved for Employment and Labour Relations Court and Environment and Land Court as stipulated in Article 162(2) (a) & (b) of the *Constitution*.



4. The jurisdiction of Employment and Labour Relations Court is conferred by various statutes including the *Employment and Labour Relations Court Act* which at Section (1) and (7) makes it clear that the court has jurisdiction to be grant orders including prerogative orders. Judicial Review is a prerogative order.
5. It follows that the jurisdiction of Employment and Labour Relations Court in Judicial Review matters is not shared with this court. It is distinct and there is no eclectic claim here with shared jurisdiction between the two courts.
6. For the above reasons, and for want of jurisdiction, I down my tools as the High Court and decline to entertain this matter.
7. I shall not strike it thought. I hereby direct that this matter be and is hereby transferred to Employment and Labour Relations Court, Judicial Review Division, Nairobi, for further directions, hearing and determination.
8. This file is therefore closed from this end. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21ST DAY OF JANUARY, 2025.

R.E. ABURILI

JUDGE

