



Norman Investments Limited v Nairobi City County Government (Formerly City Council Of Nairobi) (Judicial Review Miscellaneous Application E109 of 2024) [2025] KEHC 911 (KLR) (Judicial Review) (4 February 2025) (Ruling)

Neutral citation: [2025] KEHC 911 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E109 OF 2024
RE ABURILI, J
FEBRUARY 4, 2025**

BETWEEN

NORMAN INVESTMENTS LIMITED APPLICANT

AND

NAIROBI CITY COUNTY GOVERNMENT (FORMERLY CITY COUNCIL OF NAIROBI) RESPONDENT

RULING

1. This matter is for mention for further directions following the grant of leave on 3/9/2024 by Ngaah J, to the applicant to file and serve a substantive Notice of Motion seeking for Judicial Review orders of mandamus to compel the Respondent herein Nairobi City County Government to settle decree in the sum of Kshs.13,175,090.49 being taxed costs awarded to the exparte applicant against the Respondent in Nairobi Environment and Land Court Case No. 270/2009 between the parties herein, together with interest at court rates.
2. I have on the court's our motion asked the parties' counsel to address the court on the issue of jurisdiction of this court to enforce the Environment and Land Court judgment and decrees.
3. Mr. Orwenyo Counsel for the applicant defends the jurisdiction of this court whereas Mr. Oduor Counsel for the Respondent is of a different view.

This is my determination.

4. The jurisdiction of the High Court is wide. It is granted or vested by the Constitution and other legislation (see Article 165 of the Constitution and the High Court Organization and Administration Act), among a myriad of statutes conferring jurisdiction on the High Court.



5. Jurisdiction is everything without which, a court of law acts in vain. In addition, jurisdiction cannot be conferred by parties or by consent.
6. On the other hand, Article 162(2) (b) of the Constitution establishes the Environment and Land Court with specialized jurisdiction to hear and determine disputes relating to Environment and Land, occupation and title to land.
7. Under Article 165(5) (b) of the Constitution, the High Court is expressly barred from hearing and determining disputes exclusively reserved for the Environment and Land Court, Employment and Labour Relations Court and the Supreme Court.
8. The Environment and Land Court under Section 13(1) confers jurisdiction on the Environment and Land Court and the orders that the court can issue or grant can be found at Section 13(7) of the Act. Among them are prerogative orders.
9. Judicial Review orders are traditionally known as prerogative orders. Furthermore, Section 14 of the Environment and Land Court Act provides for enforcement of decrees and orders of the court.
10. The Environment and Land Court Act does not donate Judicial Review jurisdiction of the Environment and Land Court to the High Court pursuant to Order 53 of the Civil Procedure Act since the court's judgments and decisions are also enforceable under the Civil Procedure Act and Rules, just as the High Court judgments.
11. For the above reasons, parties must at all times know of the distinct jurisdiction conferred on each court and not to transfer decrees from one court to the other in the name of money decree. That money decree is of a specific court not of the High Court.
12. Accordingly, I find and hold that this court is devoid of jurisdiction to hear and determine the Judicial Review proceedings in execution of the decree emanating from the Environment and Land Court or Employment and Labour Relations Court.
13. Consequently, the leave granted on 3/9/2025 was without jurisdiction. It is hereby vacated. However, as the Environment and Land Court is a court of equal status with the High Court and to save the parties costs, I hereby transfer this matter to Environment and Land Court Nairobi, for further directions, hearing and determination.
14. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 4TH DAY OF FEBRUARY, 2025

R.E. ABURILI

JUDGE

