



**Agamu v Kenya Civil Aviation Authority [KCAA] (Judicial Review Application E082 of 2025) [2025] KEHC 4296 (KLR) (Judicial Review) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4296 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW APPLICATION E082 OF 2025  
RE ABURILI, J  
APRIL 4, 2025**

**BETWEEN**

**HUMPHREY BULIMU AGAMU ..... APPLICANT**

**AND**

**THE KENYA CIVIL AVIATION AUTHORITY [KCAA] ..... RESPONDENT**

**RULING**

1. This matter was first initiated in this court vide JR No.E076/2025 on 25/3/2025. The duty Judge then transferred it to the Civil Division of the High Court, vide directions given on 25/3/2025.
2. The Civil Division has vide Misc E412/2025 in the order made on 2/4/2025 returned the file to Judicial Review Division. I have heard the applicant's Counsel on the application dated 24/3/2025 seeking leave of court to apply and that the leave sought do operate as stay of issuance of licences under the 2013 Regulations (*Civil Aviation (Personnel Licencing Regulations, 2018)*).
3. I have perused the grounds affidavit and the annextures. The applicant herein seeks to operationalise or to give effect the judgment of the High Court delivered by Hon. T.W. Ouya, Judge on 31/10/2024 wherein the court ordered as follows:
  - i. The Respondent as a matter of urgency fully operational the Civil Aviation (Personnel Licencing Regulations, 2018).
4. The above judgment was affirming the judgment rendered by the Civil Aviation Administrative Review Tribunal Complaint No. E004/2022 on 6/12/2022, Order No. 2 thereof which is similar to the order of the High Court in the Civil Division in Civil Appeal vide HCCA E009/2023.



5. The applicant deposes and his Counsel submits that the Respondent has even declined, without reasons, to issue him with a licence under the valid Regulations and that the previous license which expired was issued under the repealed Regulations which is contrary to the law.
6. I am satisfied that the application challenging the decision or indecision by the Respondent is not frivolous. I hereby grant the applicant leave to file Judicial Review application for orders of mandamus and prohibition as sought in the chamber summons dated 24/3/2025.
7. Each of the judicial review orders sought shall form a separate prayer
8. The substantive notice of motion to be filed in a fresh file within 21 days of today and the Respondent be served.
9. Pending the filing, service, hearing and determination of the substantive notice of motion, I hereby order that there shall be stay of any renewal of any licences under the 2013 Civil Aviation (Personnel Licensing) Regulations, 2013 in view of the allegations that the Respondent is issuing licences under repealed Regulations, which in itself, if true, would be an illegality.
10. Each party to bear costs of this application.
11. This file is closed.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 4<sup>TH</sup> DAY OF APRIL, 2025**

**R.E. ABURILI**

**JUDGE**

