



**Amondi v Commissioner of Administrative Justice & 6 others; Jachin Regulated NWDT Sacco Society & 3 others (Interested Parties) (Judicial Review Miscellaneous Application E045 of 2025) [2025] KEHC 8319 (KLR) (Judicial Review) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 8319 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**JUDICIAL REVIEW**  
**JUDICIAL REVIEW MISCELLANEOUS APPLICATION E045 OF 2025**  
**RE ABURILI, J**  
**MAY 14, 2025**

**BETWEEN**

**TOLUWALASE AMONDI ..... APPLICANT**

**AND**

**THE COMMISSIONER OF ADMINISTRATIVE JUSTICE ..... 1<sup>ST</sup> RESPONDENT**  
**COMMISSIONER OF COOPERATIVE DEVELOPMENT ..... 2<sup>ND</sup> RESPONDENT**  
**CHIEF OFFICER, SACCO SOCIETIES REGULATORY AUTHORITY .... 3<sup>RD</sup>**  
**RESPONDENT**

**THE SACCO SOCIETIES REGULATORY AUTHORITY ..... 4<sup>TH</sup> RESPONDENT**  
**MANAGEMENT BOARD JACHIN NWDT SACCO SOCIETY .... 5<sup>TH</sup>**  
**RESPONDENT**

**SUPERVISORY COMMITTEE, JACHIN REGULATED NWDT SACCO**  
**SOCIETY ..... 6<sup>TH</sup> RESPONDENT**  
**EXTERNAL AUDITOR JACHIN REGULATED NWDT SACCO**  
**SOCIETY ..... 7<sup>TH</sup> RESPONDENT**

**AND**

**JACHIN REGULATED NWDT SACCO SOCIETY ..... INTERESTED PARTY**  
**CHAIRMAN JACHIN REGULATED NWDT SACCO SOCIETY ... INTERESTED**  
**PARTY**  
**VICE CHAIRMAN JACHIN REGULATED NWDT SACCO**  
**SOCIETY ..... INTERESTED PARTY**



## TREASURER JACHIN REGULATED NWD T SACCO SOCIETY . INTERESTED PARTY

### RULING

1. The Notice of Motion dated 9<sup>th</sup> April 2025 seeks noticeably, time extended allowing the applicant to be heard and granted orders of summons, mandamus and directions to issue to the respondents and interested parties to produce in court certain documents including the applicant's membership termination hearing notices, signed official statements of officials of the Sacco and supervisory committee officials.
2. The heading of the application is for leave to commence Judicial Review proceedings for summons, certiorari, prohibition, mandamus and compensation.
3. However, in the body of the application, on the prayers as framed, there is no prayer for leave to issue to allow the applicant file the substantive motion.
4. I have therefore had to peruse the documentation in the file, while appreciating that the applicant is self-represented and when the court asked him what he does for a living, he stated that he was a mediator, meaning, he has engaged with court processes.
5. From the letter addressed to the applicant by the Commission on administrative justice, it is clear that under bye law 20 of the Jachin Regulated NDT Sacco which the applicant claims stripped him of membership, the applicant had the right to appeal against the decision of the Sacco to terminate his membership.
6. Instead, the applicant is before this court seeking for judicial review orders without first exhausting the internal dispute resolution mechanisms as stipulated in law.
7. The applicant Claims that he was a member of the Jachin Cooperative Society and that the Society deprived him of his membership without giving him any reasons.
8. The question I determine in this non defended application is whether this court has jurisdiction to entertain these proceedings.
9. The [Cooperative Societies Act](#) (Cap. 490) establishes the Cooperative Tribunal under Section 77. The Tribunal's jurisdiction is provided for under section 76 of the [Act](#) which section provides:

#### Part XIV – Settlement of Disputes

76. Disputes (1) If any dispute concerning the business of a co-operative society arises:—
- (a) among members, past members and persons claiming through members, past members and deceased members; or
  - (b) between members, past members or deceased members, and the society, its Committee or any officer of the society; or
  - (c) between the society and any other co-operative Society; it shall be referred to the Tribunal.
- (2) A dispute for the purpose of this section shall include—



- (a) a claim by a co-operative society for any debt or demand due to it from a member or past member, or from the nominee or personal representative of a deceased member, whether such debt or demand is admitted or not; or (b) a claim by a member, past member or the nominee or personal representative of a deceased member for any debt or demand due from a co-operative society, whether such debt or demand is admitted or not.

10. From the above provision, it is clear that if the dispute relates to the business of the cooperative society, it must generally be referred to the Tribunal first.
11. The act of removal of the applicant as a member of Jachin Cooperative Society is a dispute concerning the business of the Sacco Society involving its member or past member and therefore this falls within the jurisdiction of the Cooperatives Tribunal.
12. Therefore, as to whether this court has jurisdiction to entertain such a dispute by way of judicial review, I am not persuaded that this court is clothed with such jurisdiction, noting that decisions of the Cooperative Tribunal are appealable to the High Court as stipulated in section 81(3) of the *Cooperative Societies Act* which provides:
- “81(3) Any party to the proceedings before the Tribunal may appeal to the High Court within thirty days of the decision or order of the Tribunal.”
13. In *Republic v Co-operative Tribunal & Another Ex parte Paul Mburu Mwaura* [2015] eKLR, it was held that Judicial review is not appropriate where the statutory dispute resolution mechanism (the Cooperative Tribunal) exists and has not been exhausted.
14. I *Speaker of the National Assembly v Njenga Karume* [1992] eKLR, The Court of Appeal emphasized the need to exhaust alternative statutory dispute resolution mechanisms before resorting to court. It stated:
- “Where there is a clear procedure for the redress of any particular grievance prescribed by the *Constitution* or an Act of Parliament, that procedure should be strictly followed.”
15. The applicant’s main complaint is the termination of his membership by his Cooperative society. That is a dispute which can be determined by the Cooperatives Tribunal and it has not been shown that the Tribunal lacked jurisdiction to hear and determine his complaint. The applicant instead kept writing letters to Sacco Societies Regulatory Authority (SASRA) and the Commission on Administrative Justice (CAJ) as well as complaining against the CAJ for failing to act on his complaint lodged against the Sacco.
16. It is one thing to have a grievance and another thing to approach the correct forum for resolution of your grievance. The applicant is a mediator and it is expected that despite his acting pro se by choice, he would research or seek legal advice before embarking on such a venture of drafting pleadings which are incomprehensible to the court. He must also understand that jurisdiction is everything and that courts do not entertain everything filed before it.
17. In the case of *Josephat Omune & 10 Others v Commissioner for Co-operative Societies & Another*, HCC Appeal No. 35 of 2007, the court emphasized that matters falling under Section 76 of the Cooperative Societies Act must be addressed by the Tribunal as a matter of first recourse, unless there is a compelling reason to bypass this procedure.



18. Similarly, in *Birongo Farmers Co-operative Society Ltd v Abel Moranga Ongwacho & 4 Others*, [2016] eKLR the court reiterated that disputes concerning the business of a co-operative society, as outlined in Section 76, fall within the Tribunal's jurisdiction.
19. In NBI HCCC No. 226 of 2002 *Kirinyaga Farmers Society v Kirinyaga Cooperative Union*, the court held that, since the High Court is the final court in cooperative matters, it is not right for the court to assume both appellate and original jurisdictions.
20. Accordingly, this court finds that apart from the applicant's pleadings being incomprehensible, the matter of termination of the applicant's membership in the Jachin Sacco Society can only be ventilated before the Cooperatives Tribunal and an appeal from the tribunal's decision lies to the High Court Civil Division.
21. I hasten to add that although the applicant seeks judicial review orders, had he filed the dispute with the Cooperatives Tribunal complaining that he had been unfairly terminated as a member of the Cooperative Society, the Tribunal has powers to direct that he be reinstated should he prove his case on a balance of probabilities and that in itself does not require judicial review order of mandamus.
22. In the end, the application dated 9<sup>th</sup> April, 2025 is hereby struck out, primarily, for being incomprehensible and therefore not disclosing any cause of action and secondly, for want of exhaustion of available remedies under the *Cooperatives Societies Act* being, the Cooperatives Tribunal.
23. I make no orders as to costs.
24. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI VIRTUALLY THIS 14<sup>TH</sup> DAY OF MAY, 2025**

**R.E. ABURILI**

**JUDGE**

