



Ndung'u & 4 others v Nairobi City County Government & 4 others (Judicial Review Application E140 of 2025) [2025] KEHC 6803 (KLR) (Judicial Review) (26 May 2025) (Ruling)

Neutral citation: [2025] KEHC 6803 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E140 OF 2025**

RE ABURILI, J

MAY 26, 2025

BETWEEN

**STEPHEN NDUNG'U 1ST APPLICANT
VIVIAN WANJIRU NJUGUNA 2ND APPLICANT
EMILY NJONJO 3RD APPLICANT
JUSTUS NGEMU 4TH APPLICANT
JUDITH ASHIOYA 5TH APPLICANT**

AND

**NAIROBI CITY COUNTY GOVERNMENT 1ST RESPONDENT
NAIROBI CITY COUNTY SECRETARY 2ND RESPONDENT
CHIEF OFFICER URBAN DEVELOPMENT AND URBAN PLANNING,
NAIROBI CITY COUNTY 3RD RESPONDENT
CHIEF OFFICER HOUSING AND URBAN RENEWAL NAIROBI CITY
COUNTY 4TH RESPONDENT
THE HON ATTORNEY GENERAL 5TH RESPONDENT**

RULING

1. The chamber summons dated 22nd May 2025 seeks leave to apply for Judicial Review orders of certiorari to remove into this court and quash the decision of the Respondents' eviction plans and unlawful evictions at Ofafa Jericho and Jericho Lumumba estates.



2. The 5 applicants also seek an order of prohibition restraining the Respondents' agents/servants from carrying out eviction unless they adhere to lawful procedures.
3. The applicants further seek for mandamus order compelling the Respondents to issue formal written notices in accordance with the *Fair Administrative Action Act*, 2015, maintain transparency in eviction procedure and prevent unlawful destruction or theft of residents' property.
4. They further pray that the leave granted do operate as stay of the decision to evict the applicants from their residences.
5. I have perused the application which is supported by a statutory statement and verifying affidavit as well as the annexures thereto and I am unable to certify it as urgent for reasons that the matter discloses a cause of action which does not fall within the jurisdiction of this court.
6. Matters of eviction from land for non-payment of rents fall within the jurisdiction of the Environment and Land Court and not the High Court.
7. Although the pleadings are meticulously drafted, an indication that there was a legal mind and hand aiding the drafting by the applicants who are self-represented, without jurisdiction, this court has no power to make any substantive orders on merit.
8. Article 165(5) (b) of *the Constitution* expressly bars this court from entertaining disputes which are in the preserve of the Environment and Land Court. The Article stipulates:
165(5) The High Court shall not have jurisdiction in respect of matters—
 - (a) reserved for the exclusive jurisdiction of the Supreme Court under this Constitution; or
 - (b) falling within the jurisdiction of the courts contemplated in Article 162 (2)
9. For the above reasons, I find that the appropriate order to be made is to decline jurisdiction and strike out the chamber summons dated 22/5/2025 and direct the applicants to file their case before an appropriate legal forum, not being the High Court.
10. Accordingly, for want of jurisdiction, the chamber summons dated 22/5/2025 is hereby struck out with no orders as to costs
11. The Registry to notify the applicants.
12. I so order.
13. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 26TH DAY OF MAY, 2025

R.E. ABURILI

JUDGE

