



**Tiwamba Ricon Sacco Limited v County Executive Committee Member for
Mobility & Works Nairobi City County & 5 others (Judicial Review Application
E057 of 2025) [2025] KEHC 6861 (KLR) (Judicial Review) (20 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6861 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E057 OF 2025
RE ABURILI, J
MAY 20, 2025**

BETWEEN

TIWAMBA RICON SACCO LIMITED APPLICANT

AND

**COUNTY EXECUTIVE COMMITTEE MEMBER FOR MOBILITY & WORKS
NAIROBI CITY COUNTY 1ST RESPONDENT**

**CHIEF OFFICER, MOBILITY & WORKS NAIROBI CITY
COUNTY 2ND RESPONDENT**

**DIRECTOR, TRANSPORT & INFRASTRUCTURE, NAIROBI CITY
COUNTY 3RD RESPONDENT**

NAIROBI CITY COUNTY GOVERNMENT 4TH RESPONDENT

PRIME TRANSIT SACCO LIMITED 5TH RESPONDENT

**REMBO SHUTTLE SAVINGS AND CREDIT CO-OPERATIVE SOCIETY
SACCO 6TH RESPONDENT**

RULING

1. I have considered the chamber summons dated 14/5/2025 filed under certificate of urgency. I do not find any urgency involved. I decline to certify it as urgent.
2. On the merits thereof, the application is filed under Order 53 of the Civil Procedure Rules although other provisions of the other statutes and *the Constitution* are cited.



3. However, from my perusal of the chamber summons, apart from the prayers sought, there are no grounds for Judicial Review disclosed on the face of it. That in itself disentitles the applicant leave to apply. Order 53 Rule 2 (a) of the Civil procedure Rules provides that:

53 (2) An application for such leave shall be made ex parte to a judge in chambers, and shall be accompanied by —

a. a statement setting out the name and description of the applicant, the relief sought, and the grounds on which it is sought.

4. Grounds cannot be subsumed into the statement of facts or affidavit. They should be grounds upon which judicial review orders sought can be granted and not facts deposed to. The grounds include illegality, irrationality, procedural impropriety among others, and how those grounds are relevant to the specific case. None of those grounds are stated on the face of the chamber summons

5. Secondly, the matters in dispute are serious disputes regarding parking space. Those are matters which require merit determination as to who, between the applicant and the 5th & 6th Respondents, are entitled to use the parking space for their respective fleet motor vehicles.

6. Those are not matters of entitlement of rights since the spaces in question are not property of any of the competing parties and are only given out on licence.

This court cannot deal with merit issues involved, which I find heavily weigh on evidence to be adduced and cross examination of parties will be necessary.

7. Accordingly, I find that this is not a matter which can be resolved through Judicial Review proceedings. The applicant is advised to file a civil suit in the appropriate court for consideration on merit.

8. In the end, I find the application dated 14/5/2025 not suitable for Judicial Review remedies and the same is dismissed with no orders as to costs.

9. This file is closed. Ruling to be typed and uploaded, the applicant's counsel to be notified forthwith.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF MAY, 2025

R.E. ABURILI

JUDGE

