



Republic v Cabinet Secretary for Interior and Co-Ordination of National Government & 2 others; Shakoor (Ex parte Applicant) (Judicial Review Miscellaneous Application E070 of 2024) [2025] KEHC 10291 (KLR) (Judicial Review) (18 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10291 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E070 OF 2024
JM CHIGITI, J
JULY 18, 2025

BETWEEN

REPUBLIC APPLICANT

AND

CABINET SECRETARY FOR INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT 1ST RESPONDENT

DIRECTOR OF IMMIGRATION SERVICES 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

AND

NADEEM KHAN SHAKOOR EX PARTE APPLICANT

RULING

1. The Exparte Applicant herein filed a Chamber Summons dated 29th May, 2024 Under Order 53 Rule 1 [1] and [2] of the Civil Procedure Rules [Cap. 21 of the laws of Kenya], Section 1A, 1B and 80 of the *Civil Procedure Act*, Section 40 and 57 of the *Kenya citizenship and Immigration Act* and all other enabling provisions of the Law seeking the following orders against the Respondents;
 1. Spent.
 2. That the Applicant be granted leave to apply for; AN ORDER OF PROHIBITION directed towards the Respondents PROHIBITING them, acting either in person or through their servants, agents, employees or anyone claiming to derive authority from the Respondents from removing the Applicant from Kenya, arresting or charging him and from impeding the



Applicant's freedom of movement with regard to the matters herein pending the hearing and determination of this matter.

3. An Order of Certiorari to remove into this Honourable Court to be quashed the decision of the 2nd Respondent dated 17th November 2022, rejecting the Applicant's renewal of his Class I work permit pending the hearing and determination of this matter.
4. An Order of Certiorari to issue to bring into this court to be quashed the respondent's decision placing the ex parte applicant NADEEM KHAN SHAKOOR on the immigration watch list without any valid reason;
5. An Order of Certiorari to bring to this Honourable Court to be quashed the decision of the 1st Respondent dated 18th July 2022, rejecting the Applicant's renewal of his Class I work permit.
6. An Order of Certiorari to bring to this Honourable Court to be quashed the decision of the 1st Respondent dated 18th July 2022, rejecting the Applicant's renewal of his Class I work permit.
7. A Declararion that the decision of the 1st Respondent dated 17th November 2022 was unfair and unreasonable as it never gave reasons for its rejection of the ex parte Applicant's Application for renewal of his Class I work permit.
8. A Declararion that the decision by the 2nd Respondent dated 17th November 2022 was arbitrary as there was no evidence to support the allegations meted onto the Applicant by the 2nd Respondent.
9. An Order of Mandamus to issue directing the 2nd Respondent to renew the Applicant's Class I work permit.
10. A Declararion that the 2nd Respondent's decision dated 18th July 2022 and its actions have violated the fundamental rights of the Applicant enshrined under Article 47 [1] of *the Constitution* to an administrative action that is efficient, lawful, reasonable and procedurally fair.
11. A Declararion that the 1st Respondent's rejection of the Applicant's Appeal without considering the supplementary information voluntarily presented by the Applicant, and failure to give reasons of rejection of the Applicant's Appeal as contemplated by Section 5[1] of the *Fair Administrative Action Act*, 2015 is a violation of the constitutional right of fair administrative action.
12. A Declararion that the decision of the 2nd Respondent dated 18th July 2022 and its actions have violated the Applicant's fundamental rights to recognition and protection of his family life under Article 45[1] of *the constitution*.
13. That the Honorable court be pleased to issue conservatory orders restraining the Respondents by themselves or their agents, servants or howsoever from removing the exparte applicant from Kenya, deporting him and/or doing anything prejudicial to him until this application is heard inter parties.
14. That the honorable court be pleased to issue conservatory orders restraining the respondents by themselves or their agents, servants or howsoever from removing the ex parte applicant from Kenya, deporting him and/or doing anything prejudicial to him until the review herein is heard and determined.



15. That the Honorable court be pleased to issue any such further orders or directions it may deem fit or expedient taking all the circumstances of this case into account.
 16. That, the grant of leave herein does operate as stay of the decision by the 2nd Respondent and the 1st Respondent from issuing any further orders restricting the Applicant from obtaining an extension of his current work permit pending the hearing and determination of this matter.
 17. That, the 1st and 2nd Respondents be condemned to pay the Applicant the costs of this Application.
2. The Exparte Applicant, a Pakistani citizen residing in Kenya for 28 years, is the founder of a non-profit organization, Blue Heart International Organization [hereinafter referred to as BHIO], which supports victims of human trafficking, gender-based violence, and child abuse. He lives in Kenya with his Kenyan wife and three children.
 3. It is his case that he was granted a Class I work permit for charitable activities in May 2020, applied for its renewal in May 2022, but the renewal was delayed by the authorities. Consequently, he obtained a two-month visitor's pass in May 2023 while awaiting the work permit. In June 2022, the Permit Determination Committee requested additional documentation from BHIO to decide on the permit renewal.
 4. The Committee required BHIO to appear on 23rd June 2022 to explain its activities, which BHIO representatives attended and provided detailed information, including an executive summary of ongoing projects. BHIO's lawyers also sent the organization's profile and recommendation letters on 28th June 2022, but these were neither acknowledged nor received by Immigration.
 5. On 30th June 2022, the Director General requested confidential information about human trafficking victims housed by BHIO in the last two years a demand BHIO deemed an overreach, as disclosing such details would breach victim confidentiality.
 6. In response, BHIO informed the department on 5th July 2022 that the request was under executive review and arranged for a departmental visit to their office.
 7. It is contended that despite BHIO's response, the 2nd Respondent refused to accept the requested documents and summarily rejected the Applicant's work permit renewal on 18th July 2022.
 8. The Applicant argues that the Committee erroneously asserted that the application pertained to the law enforcement sector, which is restricted to foreigners, notwithstanding that he sought renewal of his Class I permit as Trustee and Coordinator of BHIO without any change in position.
 9. The Applicant contends that the rejection is unfounded and discriminatory, and has accordingly appealed to the Cabinet Secretary for Interior and National Coordination.
 10. He deposes that he applied for a Special Pass on 27th July 2022 to challenge the denial of his work permit renewal which rejected on 18th August 2022.
 11. He then formally challenged the Committee's decision on 22nd August 2022 and filed a constitutional petition in October 2022, which was dismissed in May 2023 for premature filing. Meanwhile, the Cabinet Secretary rejected his appeal, prompting this current application.
 12. It is posted that after the court's judgment, he applied to extend his Visitor's Pass on 26th May 2023 but has received no response, indicating possible malice by the Respondents.



13. He asserts that he has lived, worked, and been married in Kenya for over 28 years, had a legitimate expectation to continue his charitable work, which was unjustly denied without a hearing.
14. It is contended that he collaborates with Kenyan authorities and international agencies like Interpol and has received commendations for his work assisting trafficking victims.
15. It is his case that his application for work permit renewal met all requirements but was unfairly rejected in bad faith without due process and thus urges this Honorable Court to uphold constitutional principles of fairness and justice, noting that his deportation would harm vulnerable people he supports.
16. The Applicant filed written submissions dated 27th March, 2025.
17. It is his submission that the purpose of seeking leave is to ensure only cases with an arguable basis proceed, as established in *Republic v County Council of Kwale* [1998]. He posits that he has established prima facie by demonstrating procedural breaches by the Respondents and the potential harm to his family and activities.
18. In the case *Republic v National Environmental Management Authority* [2011] the court affirmed that leave should be granted when an arguable case exists.
19. He invokes Order 53 Rule 1 of the Civil Procedure Rules which provides that leave is required before starting judicial review proceedings.
20. Reliance is placed in *Pastoli v Kabale District Local Government Council & Others*, [2008] 2 EA 300 which held that to succeed in judicial review, the applicant must demonstrate that the decision or action complained of is affected by illegality, irrationality, or procedural impropriety.
21. It is submitted that the Respondents acted unlawfully, violating Articles 47 and 50 of *the Constitution*, further he asserts that placing him on a security watch list was unjustified and unsupported by any evidence
22. Reliance is placed in *Judicial Service Commission v Mbalu Mutava & Another* [2015] eKLR, where the Court held that administrative decisions must be based on objective criteria and sound reasoning. The Respondents' failure to disclose any basis for placing the Applicant on the watch list renders their decision arbitrary and capricious.
23. It is the Applicant's submission that the refusal to renew his work permit and the demand for confidential victim information were unreasonable and violated constitutional rights to fair administrative action.
24. According to him, the Committee's request for sensitive details on human trafficking victims was an unjustified overreach that breached confidentiality and trust.
25. He asserts that no reasonable authority would have made such an unfair and unlawful decision.
26. It is his case that he was denied a fair hearing as required by the *Fair Administrative Action Act*, 2015, which mandates written reasons for decisions affecting a person's rights. The Respondents' claims that the Applicant engaged in unauthorized activities and that renewing his permit was against national interest are baseless and unfounded.
27. It is also his case that his constitutional right to family life under Article 45 has been violated, as forced removal would cause irreparable harm to his wife and children living in Kenya.



28. Reliance is placed in Republic v County Council of Kwale & another Ex parte Kondo & 57 other, Mombasa HC Misc. Application No. 384 of 1996

“..... to eliminate at an early stage any applications for judicial review which are either frivolous, vexatious or hopeless and secondly to ensure that the application is only allowed to proceed to substantive hearing if the Court is satisfied that there is a case for further consideration. The requirement that leave must be obtained before making an application for judicial review is designed to prevent the time of the Court being wasted by busy bodies with misguided or trivial complaints or administrative error, and to remove the uncertainty in which public offices and authorities might be left as to whether they could safely proceed with administrative action while proceedings for judicial review of it were actually pending even though misconceived.” [See also IRC v National Federation of Self-Employed and Small Businesses Ltd [1982] 617, [1981] 2 ALL ER 93].

29. The Applicant prays that the court grants him the following reliefs:

- a. Leave to file a substantive judicial review application under Order 53 Rule 1 of the Civil Procedure Rules;
- b. Judicial review orders of Certiorari, Prohibition, and Mandamus as requested in the Chamber Summons;
- c. Conservatory orders restraining the Respondents from departing or restricting the Applicant’s stay pending the hearing and determination of this matter;
- d. Declararions that the Respondents’ actions violated Articles 45, 47, and 50 of *the Constitution*;
- e. Any other order this Court considers just and appropriate; and
- f. Costs of this application.

The Respondents’ case;

30. The Respondents in response to the Applicants Chamber Summons dated 29th May, 2024 filed a Replying Affidavit by Christine Kinyua sworn on 15th October, 2024 and written submissions dated 7th April, 2025
31. It is contended that the 2nd Respondent repeatedly sought assistance from the Ex-Parte Applicant’s NGO, Blue Heart International Organization, which was consistently declined, leading to an investigation into the Applicant’s activities.
32. According to the Respondent, the Applicant’s work permit expired on 26th May 2022, and he was invited to appear before the Permits Determination Committee on 9th and 16th June 2022 but failed to attend both meetings, citing illness for the second absence. Consequently, the Committee rescheduled the hearing to 23rd June 2022 to allow the Applicant or his representative to appear, with all related correspondence and minutes duly documented.
33. On 23rd June 2022, the Ex-Parte Applicant failed to appear before the Permit Determination Committee [hereinafter referred to as PDC] and instead sent Michael Nyore and Tommy Mogaka, who were neither employees nor Executive Committee members of Blue Heart International Organization.



34. These representatives presented business cards from unrelated organizations and seemed unaware of key details about Blue Heart, including its funding, registered office, and the Applicant's salary situation, thereby misleading the Committee. During the meeting, the PDC requested the Organization's Memorandum of Understanding with stakeholders and a list of protected persons, and informed them of an upcoming site verification.
35. It is averred that the assertion that the Applicant established an Investigation Prosecution Monitoring Committee [hereinafter referred to as IPMC] including the 2nd Respondent was contested, as the Respondent had not been invited to any meetings nor made aware of the committee's mandate. In light of the concerns raised by the Applicant's representatives, the 2nd Respondent instructed the Immigration Regional Director of the Coast Region to conduct a verification visit to the Blue Heart premises..
36. The Immigration Regional Director conducted a site visit to the location provided by the Applicant's representatives but could not find the four-story building at Kongowea behind Fairdeal Towers as claimed. Consequently, the Permit Determination Committee, citing Section 40[7][b] of the [Kenya Citizenship and Immigration Act](#) [2011], decided to refuse the renewal of the Applicant's work permit on grounds that the application lacked merit.
37. The Committee held that the Organization's activities focused on human trafficking, prosecution, abuse monitoring, and child trafficking fall within the law enforcement sector, which is closed to foreigners. Additionally, the Applicant failed to demonstrate the results of his engagements or provide MOUs with stakeholders.
38. According to the Respondents, the Applicant was formally notified of the refusal on 18th July 2022. It was noted that work permits are temporary, require renewal within five years, and applicants must meet all requirements, including providing additional information or documents as requested by the Committee under Section 40[5]. Non-compliance or where the Director deems issuance not in the country's interest can justify refusal with written reasons under Section 40[7] of the Act.
39. The Respondents assert that the Applicant's presence in Kenya without a valid work permit is regulated by Section 34[1] and [2] of the [Kenya Citizenship and Immigration Act](#) [2011].
40. They contend that the 2nd Respondent lawfully denied the Applicant's special pass application, which is discretionary and may be refused if the reasons provided are unsatisfactory.
41. The Respondents maintain that they acted fairly and in line with constitutional principles of justice, ensuring the Applicant was afforded a fair hearing before the Permit Determination Committee.
42. They argue that this application is a deliberate attempt by the Applicant to remain in Kenya unlawfully without valid immigration status, thereby breaching the law. Furthermore, the Respondents submit that the matter is res judicata, having been previously addressed in Nairobi High Court Petition No. E488 of 2022, which was dismissed for lack of jurisdiction under Section 40[10] of the Act.
43. Further, the Applicant also filed Nairobi JR No. 138 of 2023 but withdrew it, and currently has JR No. E070 of 2024 ongoing. The Respondents therefore contend that this current application is frivolous, an abuse of court process, and a waste of judicial resources, and should be dismissed with costs.
44. It is the Respondents submission that ex parte applicant the application before this Honourable court improperly seek a merits review under the guise of judicial review, and if the Court does consider the merits, it will only confirm the Respondent's decision, thus leave should be denied.



45. The yardstick for the grant of leave was pronounced by the Court of Appeal in *Mirugi Kariuki v. Attorney General* Civil Appeal No. 70 of 1991 [1990-1994] EA 156; [1992] KLR 8 as follows:

“It is wrong in law for the Court to attempt an assessment of the sufficiency of an applicant’s interests without regard to the matter of his complaint. If he fails to show, when he applies for leave, a prima facie case, on reasonable grounds for believing that there has been a failure of public duty, the Court would be in error if it granted leave. The curb represented by the need for the applicant to show, when he seeks leave to apply, that he has a case, is an essential protection against abuse of the legal process. It enables the Court to prevent abuse by busybodies, cranks and other mischief-makers... In this appeal, the issue is whether the appellant in his application for leave to apply for orders of certiorari and mandamus demonstrated to the High Court a prima facie case for the grant of those orders. Clearly, once breach of the rules of natural justice was alleged, the exercise of discretion by the Attorney General under section 11[1] of the Act was brought into question. Without a rebuttal to these allegations, the appellant certainly disclosed a prima facie case. For that, he should have been granted leave to apply for the orders sought.”

46. The Respondents submit that the requirement to seek leave before filing for judicial review exists to prevent frivolous or vexatious claims that may abuse the court’s process, as seen in this case. The House of Lords in *Inland Revenue Commissioner v National Federation of Self-Employed and Small Business Ltd* [1981] clarified that at this initial stage, the court should only grant leave if a brief examination of the material reveals a potentially arguable case, with a more thorough assessment reserved for the full hearing when all evidence is available.
47. It is also their submission that In her Replying Affidavit, Ms. Christine Kinyua provided detailed reasons justifying the administrative actions taken by the Respondents, especially the 2nd Respondent, showing that there is no prima facie case warranting the granting of leave. Korir J, in *Republic v Public Procurement Administrative Review Board & Another Ex Parte Gibb Africa Ltd & Another* [2012] eKLR, outlined the well-established scope of judicial review in Kenya. Citing *Council of Civil Service Unions v Minister for the Civil Service* [1984], Lord Diplock identified three main grounds for judicial review: illegality, irrationality, and procedural impropriety. Illegality requires that decision-makers correctly understand and apply the law. Irrationality refers to decisions so unreasonable that no sensible person would have made them. Procedural impropriety concerns failures to follow prescribed procedural rules or basic fairness.
48. They assert that the jurisdiction of the court in judicial review is strictly limited to examining whether a decision meets these criteria. Once a decision passes these tests, the court must not interfere or substitute its own judgment for that of the administrative body. The Court of Appeal in *Grain Bulk Handlers Ltd v J.B. Maina & Co Ltd & Others* [2006] emphasized that judicial review focuses on the legality of the decision-making process rather than the merits of the decision itself.
49. Is it submitted that it is only in exceptional circumstances that the court can consider merits of a decision. These exceptional circumstances were enumerated by the learned Mumbi Ngugi J in *Republic v Public Procurement Administrative Review Board & 2 others Ex Parte - Sanitam Services [E.A] Limited* [2013] eKLR, while citing the *Associated Provincial Picture Houses Ltd. v Wednesbury Corporation* namely:

“Where the administrative body has acted outside its jurisdiction, has taken into account matters it ought not to have taken into account, or failed to take into account matters it



ought to have taken into account; or that it has made a decision that is ‘so unreasonable that no reasonable authority could ever come to it.’”

50. It is contended that the Applicant must demonstrate that the 1st and 2nd Respondents acted ultra vires in making the challenged decision.
51. Reliance is placed in *Seventh Day Adventist Church [East Africa] Limited v Permanent Secretary, Ministry of Nairobi Metropolitan Development & another* [2014] eKLR, where the court held that;
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Where an applicant brings judicial review proceedings with a view to determining contested matters of facts with an intention of securing a determination on the merits of the dispute the Court would not have jurisdiction in a judicial review proceeding to determine such a dispute and would leave the parties to ventilate the merits of the dispute in the ordinary civil suits.”
52. The Respondents further assert that the criteria for granting An Order of Ceritorari were outlined in *Paul Kiplagat Birgen & 25 Others v Interim Independent Electoral Commission & 2 others* [2011] eKLR, where it was held that certiorari is issued to quash a decision that is ultra vires. It targets decisions made by an inferior tribunal or authority to enable investigation, and if the decision fails the test, it is quashed. Judicial review through certiorari must focus precisely on the actual exercise of legal power, rather than preliminary matters, with the key concern being whether the decision was made under lawful authority.
53. Regarding ultra vires, the Respondents submit the decisions by the 1st and 2nd Respondents was correctly made.
54. In *Kenya National Examination Council v Republic ex parte Geoffrey Gathenji Njoroge & 9 others* [1997] eKLR, the Court of Appeal explained that an order of prohibition prevents an inferior tribunal from acting beyond its jurisdiction or violating natural justice rules. However, it cannot correct procedural errors or wrong decisions already made; it only stops unlawful decisions before they occur and cannot overturn decisions that have been finalized.
55. The Respondents thus pray that this Honourable court dismisses the instant application with costs to them.

Analysis and Determination;

Upon perusing pleadings and the rival submissions of parties alongside the authorities cited, this court finds the following to be the issues for determination:

First issue:

Whether or not this court has Jurisdiction to hear and determine this suit.

56. In the case of *Samuel Kamau Macharia & Another v. Kenya commercial Bank & 2 Others*, Application No. 2 of 2011 [2012] eKLR, the supreme court pronounced itself on jurisdiction thus [paragraph 68]:

“[68] A Court's jurisdiction flows from either *the Constitution* or legislation or both. Thus, a Court of law can only exercise jurisdiction as conferred by *the constitution* or other written law. It cannot arrogate to itself jurisdiction exceeding that which Is conferred upon it by law. We agree with counsel for the first and second Jurisdiction to entertain a matter before it, is not one of mere procedural Court cannot entertain any proceedings. This Court dealt



with the question of jurisdiction extensively in, Commission [Applicant], Constitutional Application Number 2 of 2011. Where they cannot expand its jurisdiction must operate within the constitutional limits. It confers power upon Parliament to set the jurisdiction of a Court of law or tribunal, court or tribunal by statute law." [Emphasis provided] where it quoted with approval the oft cited case of Owners of Motor Vessel 'Lillian S' v Caltex In Re The Matter of the Interim Independent Electoral Commission where the Court stated: - "[29] Assumption of jurisdiction by Courts in Kenya is a subject regulated by *the Constitution*, by statute law, and by principles laid out in judicial precedent. The classic decision in this regard is the Court of Appeal decision in Owners of Motor Vessel 'Lillian S' v. Caltex Oil [Kenya] Limited [1989] KLR 1, which bears the following passage [Nyarangi, JA at p.14]: "I think that it is reasonably plain that a question of jurisdiction ought to be raised at the earliest opportunity and the Court seized of the matter is then obliged to decide the issue right away on the material before it. Jurisdiction is everything. Without it, a Court has no power to make one more step." [underlining supplied] [30] The Lillian 'S' case establishes that jurisdiction flows from the law, and the Recipient-Court is to apply the same, with any limitations embodied therein. Such a Court may not arrogate to itself jurisdiction through the craft of interpretation, or by way of endeavour to discern or interpret the intentions of Parliament, where the wording of legislation is clear and there is no ambiguity. In the case of the Supreme Court, Court of Appeal and High Court, their respective jurisdictions are donated by *the Constitution*." The application as drawn and filed grossly violates the provisions of Order 53 Rule 2 of the Civil Procedure Rules, 2010 in that 'Leave shall not be granted to apply for An Order of Certiorari to remove any judgment, order, decree, conviction or other proceedings for the purpose of its being quashed, unless the application for leave is made not later than six months after the date of the proceedings or such a shorter time period as may be prescribed by the Act. Section 9[3] of the *Law Reform Act* provides that in "In case of an application for An Order of Certiorari to remove any judgement, order, decree, conviction or any other proceedings for the purpose of its being quashed, leave shall not be granted unless the application for leave is made not later than six months after the date of that judgement, order, decree" Whether the application is entitled to the leave as sought All Applications for leave to institute proceedings for certiorari ought to be made within 6 months from the date of the decision which the Applicant desires to have quashed. Order 53 Rule 2 of the Civil Procedure Rules stipulates that applications for Judicial Review Orders such as of Certiorari have to be brought within the period of 6 months. The said rule provides; "Leave shall not be granted to apply for An Order of Certiorari to remove any judgment, order, decree, conviction or other proceeding for the purpose of its being quashed, unless the application for leave is made not later than six months after the date of the proceeding or such shorter period as may be prescribed by any Act; and where the proceeding is subject to appeal and a time is limited by law for the bringing of the appeal, the judge may adjourn the application for leave until the appeal is determined or the time for appealing has expired."



57. In the case of *Nyagah v Republic* [1990] eKLR 291, Bosire J. [as he then was] said;

“Section 9 [3] of the *Law Reform Act* has a total prohibition to the granting of leave after the expiration of a 6 months’ duration, after the order or decree or judgment under attack. The provision is conclusive. Had it been the intention of the legislature to confer on the Court the power to enlarge the time specified for bringing an application for leave, it would have said so or made provision under Section 9 [1] of the *Law Reform Act*, for the making of the rules in that regard.”

58. The Court of Appeal noted as follows in the case of *Wilson Osolo v John Ojiambo Ochola & Another* [1999] EKLR;

“It can readily be seen that Order 53 Rule 2 [as it then stood] is derived verbatim from Section 9[3] of the *Law Reform Act*. Whilst the time limited for doing something under the civil Procedure Rules can be extended by an application under order 49 of the Civil Procedure Rules that procedure cannot be availed of for the extension of time limited by statute, in this case, the *Law Reform Act*” The issue of limitation of time is a point of law which goes to the root of the matter. Leave to apply for Certiorari is so fundamental that without it, this court cannot hear and determine the prayer for certiorari. I have consequently looked at the application for leave, the accompanying Statutory Statement and Verifying Affidavit sworn by the applicant from the prism of Order 53 of the Civil Procedure Rules with a view of ascertaining that the applicant has complied with the strictures of Order 53 Rules 1 and 2 of the Civil Procedure Rules. As was held in *Owners of Motion Vessel ‘Lilian ‘S’v Caltex Oil [K] Ltd* [1989] KLR 1 “..... jurisdiction is everything, without which a court has no power to make one more step. Where a court has no jurisdiction, there would be no basis for a continuation of proceedings pending other evidence. A court of law downs its tools in respect of the matter before it the moment it holds the opinion that it is without jurisdiction.”

The second issue:

59. This court lacks jurisdiction to determine the issue whether or not the applicant is entitled to the order of certiorari or not given that the suit was filed way after the expiry of six months from the date of the cause of action arose and I so hold.

Order;

The application for leave is struck out.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 18TH DAY OF JULY 2025.

.....

J. CHIGITI [SC]

JUDGE

