



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYANDARUA

JUDICIAL REVIEW NO. E002 OF 2025

GEDION RUBIA MWANGI..... EX PARTE APPLICANT

VERSUS

**THE CHIEF OFFICER, DEPARTMENT OF TRADE, COOPERATIVES
DEVELOPMENT AND INDUSTRIALIZATION OF THE COUNTY GOVERNMENT
OF NYANDARUA.....1ST RESPONDENT**

COUNTY GOVERNMENT OF NYANDARUA..... 2ND RESPONDENT

THE HON. ATTORNEY GENERAL.....3RD RESPONDENT

JUDGMENT

1. The *ex parte* applicant moved the court through a Chamber Summons dated April 10, 2025. The application is based on section 3A of the Civil Procedure Act, sections 8 and 9 of the Law Reform Act, Order 53 Rule 1(1) & (2) of the Civil Procedure Rules, and Articles 22, 23, 47, and 165 (6) & 7 of the Constitution of Kenya. He is seeking the following orders:

- a) This honourable court be pleased to certify this matter as urgent and dispense with, in the first instance. [spent]
- b) That pending the hearing and determination of this application, a conservatory order be issued staying and/or suspending the implementation of the notice dated 25th March 2025 convening a Special General Meeting of Ngorika Farmers Co-operative Society scheduled for 11th April 2025.
- c) That an order of certiorari do issue to remove into this honourable court and quash the decision of the 1st respondent dated 25th March 2025 purporting to convene a Special General Meeting of Ngorika Farmers Co-operative Society for 11th April, 2025.
- d) That an order of prohibition do issue prohibiting the 1st respondent from further purporting to organize, call, convene or interfere with the internal affairs, meetings and executive decisions of the Ngorika Farmers Co-operative Society Limited.

2. The application is premised on the following grounds:

- a) That on 9th April 2025, this honourable court granted the applicant leave to file this application pursuant to an application for leave serialised as Nyandarua HCJR Misc. No. E002 of 2025 Gideon Rubia Mwangi vs State Law Office and County Attorney for Nyandarua County.
 - b) The 1st respondent is not a Ngorika Farmers Co-operative Society member and has no locus standi to call or preside over its internal meetings.
 - c) The decision to call a Special General Meeting violates Sections 27(8) and 27(9) of the Co-operative Societies Act and the Society's bylaws.
 - d) That the impugned notice was not served upon the elected officials of the Society, including the Applicant, who is the duly elected Chairperson as of the elections held on 30th November 2023.
 - e) The respondent has no authority under the Co-operative Societies Act to usurp the powers of the Commissioner to convene such meetings.
 - f) The notice is irrational, unreasonable, ultra vires and procedurally unfair, issued without public participation or administrative fairness in breach of Article 47 of the Constitution and the Fair Administrative Action Act.
 - g) The Society's Annual General Meetings were held on 30 November 2023 and 11 October 2024, complying with the law.
3. On the 20th day of May 2025, Mr. Mugo Gachambi, representing the first and second respondents, informed the court that he had filed their response. However, upon my review, I noted that no response had been filed. Similarly, they had not filed any submissions. On the 23rd June 2025, when the matter was mentioned to confirm the filing of submissions, Mr. Mugo Gachambi was present on the platform, but when the matter was called out, he did not respond.
4. Section 27 (8) of the Co-operative Societies Act provides as follows:
- The Commissioner may convene a special general meeting of a society at which he may direct the matters to be discussed at the meeting.*
5. Once the meeting has been convened, it may be presided over in the manner prescribed under subsections 9 and 10, which provide as follows:
- (9) *The chairman or, in his absence, the vice-chairman or such other person as may be prescribed in the by-laws of the co-operative society shall preside at a general meeting of a co-operative society.***

(10) *The Commissioner may preside at any meeting convened under subsection (8).*

6. The action of the first respondent was therefore a usurpation of the mandate of the Commissioner for Co-operative Development. This court issues the following orders:

- a) The first respondent's decision dated 25th March 2025 purporting to convene a Special General Meeting of Ngorika Farmers Co-operative Society for 11th April 2025 is hereby quashed.
- b) The first respondent is prohibited from further purporting to organize, call, convene or interfere with the internal affairs, meetings and executive decisions of the Ngorika Farmers Co-operative Society Limited.
- c) The first respondent is to bear the costs of this petition.

7. Orders accordingly.

Delivered and signed at Nyandarua, this 24th day of September 2025

KIARIE WAWERU KIARIE

JUDGE.