



Ngigi & others v Principal Secretary, Ministry of Devolution & Planning & 2 others (Petition 20 of 2017) [2024] KEHC 12280 (KLR) (7 June 2024) (Ruling)

Neutral citation: [2024] KEHC 12280 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
PETITION 20 OF 2017
DO CHEPKWONY, J
JUNE 7, 2024**

BETWEEN

GEORGE NJUGUNA NGIGI & OTHERS APPLICANT

AND

THE PRINCIPAL SECRETARY, MINISTRY OF DEVOLUTION & PLANNING 1ST RESPONDENT

THE PRINCIPAL SECRETARY, MINISTRY OF INTERIOR AND CO-ORDINATION 2ND RESPONDENT

THE HON. ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The court issued Notice to Show Cause dated 12th October, 2023 which was scheduled for mention on 6th November, 2023, on which date, the Counsel for the Petitioner attended court and sought to file a response to the said Notice to Show Cause. The matter was then fixed for mention on 6th February, 2024 but on this date, none of the parties were present and the court issued another Notice to Show Cause why the matter should not be dismissed for want of prosecution and the same was scheduled for 13th May, 2024.
2. When the matter came up for mention on the said 13th May, 2024, Mr Waweru Nyambura Counsel for the Petitioner informed the court that an Affidavit had been filed and that he had also filed submissions on the petition for which he sought a date for Judgment. The court stated that the Notice to Show Cause should first be determined and which is now the subject of the present ruling.
3. In the Reply to the Notice to Show Cause sworn by Daniel Waweru Nyambura as an Advocate to the Petitioner. He states that he has been prosecuting the matter and had filed submissions dated 14th July, 2020 . He argues that he had requested for a Judgment date but the Respondents have been delaying



the matter as they have not filed their submissions. He urges that the court sets aside the Notice to Show Cause so that the matter can be set down for Judgment.

4. The court has read through the court record and considered the sentiments raised by the Petitioners' Counsel notes that the matter came up for mention on diverse dates whereby the Respondents have always indicated that they have neither filed a response to the Petition nor submissions.
5. On the part of the Petitioners', their submissions are dated 14th July, 2020 and filed on 16th April, 2021 and were awaiting a date for Judgment to be given by the court. The Respondents only filed a Replying Affidavit on 16th March, 2022 sworn by Dr. Eng Karanja Kibicho, CBS.
6. From the proceedings on record, the court finds that the delay in having the matter prosecuted was not occasioned by the Petitioners or their Counsel but the lack of compliance on the part of the Respondents, hence the Petitioners should not be penalised.
7. In the circumstances the court finds that the reasons given by the Petitioners for the delay in prosecuting the case substantive and proceeds to direct that:-
 - a. The Respondents to file their written submissions within 30 days from the date of this ruling.
 - b. Upon delivery of this ruling, the court shall proceed to set a date for Judgment which shall be delivered irregardless of whether or not the Respondent shall have filed their submissions.
 - c. Judgment on 27th September, 2024.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 7TH DAY OF JUNE, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Waweru Nyambura counsel for Petitioners

Court Assistant - Martin

