



**Republic v Registrar of Societies; Kenyakisa (Exparte); Malande & 2 others
(Intended Exparte Applicants); Lihanda & 2 others (Interested Parties) (Judicial
Review E002 of 2022) [2023] KEHC 2468 (KLR) (21 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2468 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
JUDICIAL REVIEW E002 OF 2022
PJO OTIENO, J
MARCH 21, 2023
IN THE MATTER OF THE SOCIETIES ACT CAP 108 LAWS OF KENYA
AND
IN THE MATTER OF PENTECOSTAL ASSEMBLIES OF GOD-KENYA CHURCH
AND
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW
ORDERS FOR CERTIORARI, MANDAMUS AND PROHIBITION
AND
IN THE MATTER OF THE PURPORTED REGISTRATION
OF PATRICK LIHANDA, RICHARD OBWOGI, JULIUS K.
RONO AS OFFICE BEARERS OF THE P.A.G KENYA CHURCH**

BETWEEN

REPUBLIC APPLICANT

AND

THE REGISTRAR OF SOCIETIES RESPONDENT

AND

REV ANTHONY KENYAKISA EXPARTE

AND

STEPHEN MALANDE INTENDED EXPARTE APPLICANT

JOSPHAT TATONI INTENDED EXPARTE APPLICANT

ESAO KIMENGICH INTENDED EXPARTE APPLICANT

AND



PATRICK LIHANDA INTERESTED PARTY
RICHARD OBWOGI INTERESTED PARTY
JULIUS K RONO INTERESTED PARTY

RULING

1. It is a constitutional norm that public institutions avail their services to the people at the nearest possible locations. On that spirit the Chief Justice did establish a High Court Registry in Vihiga and directed that the Judges sitting in Kakamega serve that station on circuits.
2. It is by virtue of that arrangement that, this file, filed in Vihiga, landed on my desk, just like many others.
3. The registry grew in that the number of legal disputes reaching a threshold to justify the posting of a Judge and beginning March 1, 2023, there is now a resident Judge stationed at Vihiga. The consequence is that the need for Kakamega Judges to serve that station has been dealt with as the resident Judge must retain her docket at the station.
4. While it is true that the High Court of Kenya is one and a Judge has jurisdiction throughout Kenya, by dint of the *High Court (Organization And Administration) Act* and sheer common sense, when a Judge is stationed in Vihiga, all matters from that station must be handled by such Judge unless for special reasons an order is so made to that effect. Here no such order has been made.
5. It is the position of this Court that this file must now be directed to be dealt with by the Resident Judge, High Court of Kenya at Vihiga, who shall deal with all and every outstanding matter on it including whether or not Mr. Wasilwa Advocate acts for the *ex parte* applicant. It is directed that the Deputy Registrar has this matter transmitted to Vihiga Registry not later than 2.00 p.m. on March 22, 2023 so that the same is placed before the Deputy Registrar who may direct when parties will appeal before the Judge.
7. Having said that the matter belongs to Vihiga and not Kakamega, I refrain from addressing the other issues raised by Counsel and leave that for the Resident Judge, sitting at Vihiga.

DATED, SIGNED AND DELIVERED IN KAKAMEGA THIS 21ST DAY OF MARCH 2023.

PATRICK J. O. OTIENO

JUDGE

In the presence of

Mr. Oloo with Mr. Ambani for 1st to 3rd Interested Parties

Ms. Rauto for 4th and 5th Interested Parties

Mr. Wasilwa, Mokua, Oginga and Garo Ondego for the Applicant

No appearance for the Respondent

Court Assistant: Polycarp Mukabwa

