



**Nyamori v Maurice Otunga, County Executive Committee Member Responsible
for Finance, County Government of Migori & another (Judicial Review
Application E025 of 2023) [2023] KEHC 17397 (KLR) (15 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17397 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
JUDICIAL REVIEW APPLICATION E025 OF 2023**

RE ABURILI, J

MAY 15, 2023

**IN THE MATTER OF: AN APPLICATION FOR
THE JUDICIAL REVIEW ORDER OF MANDAMUS**

AND

**IN THE MATTER OF: IN THE ENFORCEMENT OF COURT
ORDERS AND DECREES AGAINST THE GOVERNMENT**

AND

IN THE MATTER OF: THE LAW REFORMS ACT

AND

IN THE MATTER OF: THE GOVERNMENT PROCEEDINGS ACT

AND

IN THE MATTER OF: THE COUNTY GOVERNMENT ACT

AND

**IN THE MATTER OF: AN APPLICATION FOR LEAVE
TO INSTITUTE JUDICIAL REVIEW PROCEEDINGS**

BETWEEN

ERASTUS ONYANGO NYAMORI APPLICANT

AND



**MAURICE OTUNGA, COUNTY EXECUTIVE COMMITTEE MEMBER
RESPONSIBLE FOR FINANCE, COUNTY GOVERNMENT OF
MIGORI 1ST RESPONDENT
COUNTY GOVERNMENT OF MIGORI 2ND RESPONDENT**

(ELRC Case No 308 of 2014)

RULING

1. This application for leave to file Judicial Review application for Mandamus order arises from the decree and certificate of order against the County Government of Migori rendered and issued before Kisumu ELRC Case No 308 of 2014.
2. It follows that pursuant to the provisions of Section 12(1) (7) of the ELRC Act as read with Articles 162(2) (a) and 165 (5) (b) of the *Constitution*, the court that has jurisdiction to hear and determine such application is the ELRC and not this court as this court has no supervisory jurisdiction over another superior court of equal status.
3. I would have struck out the application suo moto but I have called upon the applicant's counsel to be heard on the issue of jurisdiction and he rightly concedes that this court is devoid of jurisdiction to hear and determine these proceedings.
4. Accordingly, I allow the oral application to withdraw the application dated May 12, 2023 which is hereby marked as wholly withdrawn with no orders as to costs.
5. This file is hereby closed.
6. I so order

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF MAY, 2023

R E ABURILI

JUDGE

