



**Illuminator Limited v The County Secretary Nairobi City
County & 3 others (Judicial Review Application E146 of 2023)
[2024] KEHC 15665 (KLR) (Judicial Review) (2 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15665 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E146 OF 2023
JM CHIGITI, J
DECEMBER 2, 2024
JUDICATURE ACT CAP 8 LAWS OF KENYA
HIGH COURT (PRACTICE AND PROCEDURE) RULES
RULES OF COURT UNDER SECTION 10
VACATIONS RULE 3 SUB-RULE (1) AND (2)
AN ORDER OF MANDAMUS ISSUED ON THE 21ST FEBRUARY 2024
AGAINST THE RESPONDENTS COMPELLING THE
RESPONDENTS
HEREIN TO COMPLY WITH THE HONOURABLE COURT'S
ORDERS
AND DECREE DATED THE 23RD JUNE 2023
IN MISCELLENEOUS APPLICATION 354 OF 2017.
AN APPLICATION BY THE ILLUMINATOR LIMITED FOR AN
ORDER OF CONTEMPT OF COURT AGAINST THE RESPONDENTS**

BETWEEN

THE ILLUMINATOR LIMITED APPLICANT

AND

**THE COUNTY SECRETARY NAIROBI CITY COUNTY (GEOFREY AKUMALI
ATIELI) 1ST RESPONDENT**

**CHIEF OFFICER, FINANCE /COUNTY TREASURER NAIROBI CITY
COUNTY (ASHA ABDI) 2ND RESPONDENT**



**COUNTY EXECUTIVE COMMITTEE MEMBER FINANCE AND
ECONOMIC AFFAIRS, NAIROBI CITY COUNTY (JOHN MURUNGI
LINTARI) 3RD RESPONDENT**
**CHIEF OFFICER, URBAN DEVELOPMENT PLANNING NAIROBI CITY
COUNTY (PATRICK AKIVAGA ANALO) 4TH RESPONDENT**

RULING

1. The application that is before this court is the one dated 16th August 2024 where the applicant seeks the following orders: -
 1. ...spent.
 2. That summons be issued against the said;
 - a. County Secretary, Nairobi City County, (Geoffrey Akumali Atieli),
 - b. The Chief Officer, Finance/County Treasurer Nairobi City County (Asha Abdi),
 - c. the County Executive Committee Member, Finance and Economic Affairs, Nairobi City County (John Murungi Lintari) and;
 - d. Chief Officer, Urban Development Planning, Nairobi City County Patrick Akivaga Analoto appear before this court and show cause why they should not be cited for contempt of court for failing to comply with this Honourable courts' Orders granted on 21 February 2024.
 - 3) That this Honourable Court be pleased to find and hold that;
 - a. County Secretary, Nairobi City County, (Geoffrey Akumali Atieli),
 - b. The Chief Officer, Finance/County Treasurer Nairobi City County (Asha Abdi),
 - c. the County Executive Committee Member, Finance and Economic Affairs, Nairobi City County (John Murungi Lintari)
 - d. Chief Officer, Urban Development Planning, Nairobi City County Patrick Akivaga Analo herein are in contempt and have disobeyed the court Orders issued on 21st February 2024.
 - 4) That this Honourable Court be pleased to PUNISH;
 - a. County Secretary, Nairobi City County, (Geoffrey Akumali Atieli),
 - b. The Chief Officer, Finance/County Treasurer Nairobi City County (Asha Abdi),
 - c. County Executive Committee Member, Finance and Economic Affairs, Nairobi City County (John Murungi Lintari) and



d. Chief Officer, Urban Development Planning, Nairobi City County Patrick Akivaga Analo

for being in contempt of court and commit them to civil jail for a period not exceeding six (6) months.

- 5) That the OCS, Central Police Station to enforce compliance to order 3 above.
- 6) That the costs of this Application be borne by the Respondents.

2. The application is predicated on the affidavit of Billy Amendi.
3. This court delivered a judgement on the 21st February 2024, directing that an Order of Mandamus be issued directed at the respondents compelling them to comply with the Honourable Court's orders.
4. A Certificate of Order dated 13th August 2024, in line with the provisions of Section 21 of the Government Proceedings Act, wherein the Respondents were ordered to pay the Applicant the following sums;
 - Costs as in Decree..... ..Kshs 5,000,000.00
 - Interest @12% from 17/5/2017 to 12/08/2024 (2644 days) = ..Kshs 4,346,301.37Total (as up to 13th August 2024) = Kshs 9,346,301.37.
5. The outstanding amount is Kshs 9,346,301.37 plus costs of Kshs 11,075.00 making a total of Kshs 9,357,376.37 as at 13th August 2024 which is owed to the Applicant by the Respondents. The same continues to attract interest until payment in full due to the persistent default and refusal.
6. Section 21 (3) of the Government proceedings Act places a duty on the Respondents herein to pay out the decretal sum as ordered by the court.
7. Despite numerous demand letters issued by the Applicants dated; 04th October 2022, 08th June 2023, 04th July 2023, 26th March 2024 and 11th July 2024 addressed to the Respondents the decretal amount remains outstanding.
8. There is no existing stay of execution of the Honourable Court's Orders and decree nor is there any pending appeal against the award/Judgment or the Judicial Review Order of Mandamus given on the 21st February 2024.
9. This court is satisfied that the Applicant has made out a case warranting the grant of the orders below.

Order:

10. The Application is allowed in the following terms;
 1.
 - a) The County Secretary, Nairobi City County, (Geoffrey Akumali Atieli),
 - b) The Chief Officer, Finance/County Treasurer Nairobi City County (Asha Abdi),
 - c) The County Executive Committee Member, Finance and Economic Affairs, Nairobi City County (John Murungi Lintari) and;
 - d) Chief Officer, Urban Development Planning, Nairobi City County Patrick Akivaga Analo shall appear before this court and show cause why they should not be cited for



contempt of court for failing to comply with this Honourable courts' Orders granted on 21 February 2024.

- 2) The officers mentioned in order 1 above shall Show Cause why they should not be cited and punished for Contempt of Court of the Orders of this Honourable Court given on 13th February, 2024.
- 3) The matter shall proceed with the hearing of the said Notice on 20.2.25 at 10.30 AM in open court.
- 4) The said officers shall attend open court in person on that day.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 2ND DAY OF DECEMBER, 2024.

.....

J.M. CHIGITI (SC)

JUDGE

