



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

CONSTITUTIONAL PETITION NO. 07 OF 2021

IN THE MATTER OF ARTICLES 1, 2, 3, 10, 19, 20, 21, 23, 27, 28, 33(1), 40, 47, 48, 50, 60, 67, 73, 159(1) & (2), 165(3), 174(a), 183(2), 258 AND 259 OF THE CONSTITUTION OF KENYA, 2010

-AND-

IN THE MATTER OF SECTIONS 4 & 5 OF THE STATUTORY INSTRUMENTS ACT, 2013

-AND-

IN THE MATTER OF SECTIONS 2 & 5 OF THE NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2019

-AND-

IN THE MATTER OF NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL (LICENSING) REGULATIONS, 2021

-BETWEEN-

NYANDARUA COUNTY RECREATION & ENTERTAINMENT ASSOCIATION SUING THROUGH ITS OFFICIALS

JOHN KARIU NG'ANG'A (Chairman)

JAMES MUCHENGO MWAURA (Secretary)

JACKSON MAINA MWANGI (Treasurer).....PETITIONERS

-VERSUS-

THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR CULTURAL ACTIVITIES,

PUBLIC ENTERTAINMENT & ALCOHOLIC DRINKS CONTROL NYANDARUA

COUNTY.....1ST RESPONDENT

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

-AND-

THE COUNTY ASSEMBLY OF NYANDARUA.....INTERESTED PARTY

RULING

This matter came under certificate of urgency on 06/07/2021 (yesterday) and it was certified urgent and fixed for directions today 07/07/2021.

The both sides have made address to court except Interested Party who does not contest the application.

The application seeks interim orders in terms of prayer 2 of the notice of motion dated 05/07/2021 which Respondent No. 1 & 2 opposes.

At this stage, the court is only relying on Applicants' pleadings and 1st and 2nd Respondents' bar submissions. There is need for all parties to be heard after putting replies for court to make informed decision. As we stand now, the application for licenses is required to be submitted by today 07/07/2021 at 5.00pm. The court notes that Respondents (1 & 2) are yet to reply as at the same deadline falls on today.

Thus the court makes directions that the Respondents (1 & 2) to file replying affidavit by Monday 12/07/2021 and serve. Respondents (1 & 2) to file any supplementary affidavit by 14/07/2021.

Ruling on 20/07/2021. The notice of 24/06/2021 effect is thus postponed from taking effect on 07/07/2021 at 5.00pm to 20/07/2021 when court makes the ruling.

Dated, Signed and Delivered at NYAHURURU this 7th day of July, 2021.

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CHARLES KARIUKI

JUDGE