



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. 28 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR

JUDICIAL REVIEW ORDERS OF CERTIORARI AND PROHIBITION

BETWEEN

JACINTA MUMBI KANGÉTHE.....APPLICANT

VERSUS

THE RENT RESTRICTION TRIBUNAL.....RESPONDENT

AND

THOMAS MALINDA MUSAU.....INTERESTED PARTY

RULING

The Application

1. Jacinta Mumbi Kang’ethe (hereinafter “the Applicant”) is aggrieved by a decision made on 13th August 2019 by the Rent Restriction Tribunal at Nairobi (the Respondent herein) in **Rent Restriction Case No 702 of 2017 – Thomas Malinda Musau vs Jacinta Mumbi Kangéthe**. The said decision arises out of dispute in relation to the tenancy agreement entered into between the Applicant and Interested Party herein of premises known as House No 626 Buruburu.

2. The Applicant has now moved this Court in an application by way of Chamber Summons dated 30th January 2020, and is seeking leave therein to apply for judicial review orders of certiorari and prohibition in relation to the Respondent’s decision. The Chamber Summons is supported by a statutory statement dated 30th January 2020, and a verifying affidavit sworn by the Applicant on the same date.

3. I have perused the Chamber Summons and supporting documents, and note that the Applicant is seeking leave to bring orders in relation to proceedings in, and a decision by the Rent Restriction Tribunal, and in relation to use and occupation of land, which are under the supervisory jurisdiction of the Environment and Land Court pursuant to Article 162(2) b of the Constitution, sections 13 and 16A of the Environment and Land Court Act, and section 8 of the Rent Restriction Act.

The Orders

4. In the premises I direct and order that this suit be and is hereby transferred to the Environment and Land Court at Nairobi for further hearing and determination. The Applicant’s Chamber Summons dated 30th January 2020 shall accordingly be placed before the **Duty Judge** at the **Environment and Land Court at Nairobi** on **26th May 2020**, for directions.

5. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the Applicant, and to the Deputy Registrar of the Environment and Land Court at Nairobi at Nairobi, by close of business on 20th May 2020.

6. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 18TH DAY OF MAY 2020

P. NYAMWEYA

JUDGE