



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MURANG'A

MISC. JUDICIAL REVIEW APPLICATION NO. 1 OF 2020

ROBERT MACHARIA.....APPLICANT

VERSUS

SPORTS DISPUTES TRIBUNAL.....RESPONDENT

FOOTBALL FEDERATION OF KENYA.....1ST INTERESTED PARTY

CHEPTIRET FOOTBALL CLUB.....2ND INETRESTED PARTY

BONDENI FOOTBALL CLUB.....3RD INETRESTED PARTY

PRELIMINARY RULING

1. The applicant craves *leave* to bring proceedings in judicial review for an order of *certiorari* to remove into the High Court and quash the decisions of the Sports Dispute Tribunal dated 17th March 2020 in Tribunal Cases Numbers 3 and 5 of 2020 and all subsequent proceedings.
2. He also seeks leave for an order of *prohibition* to restrain the Tribunal from interfering with the functions of the Football Federation of Kenya Elections Board.
3. The applicant's grouse is that the Tribunal usurped jurisdiction and unlawfully declared the term of the elected national officials of Football Kenya Federation to be at "an end". The Tribunal then invited the international governing body, FIFA, to appoint a "normalization committee". The applicant contends that the conduct is disruptive to the sport; and, has effectively annulled his election and that of other county officials "through the back door".
4. Those matters are detailed at length in the *ex parte* chamber summons dated 30th April 2020, the annexed statutory statement and verifying affidavit. In that summons, the applicant also prays that the leave granted do operate as a *stay* of the impugned decision.
5. I take judicial notice that the respondent (Sports Disputes Tribunal) is a judicial tribunal with its seat at Nairobi. The 1st interested party (Football Kenya Federation) is headquartered at Nairobi. The address of the 2nd and 3rd interested parties (Cheptiret and Bondeni Football Clubs) have not been provided. The applicant states that the two "*are said to be football clubs in Kenya*".
6. While I accept that the applicant is an elected football official in Murang'a and that he sponsors some local football clubs in Murang'a, all the defendants and interested parties do *not* reside in Murang'a. The impugned decision was delivered at Nairobi. The cause should thus have been lodged at the Central High Court Registry in Nairobi. Quite apart from saving costs, it guards against the mischief of multiplicity of actions across different Registries.
7. I thus decline to grant any relief at this stage. Instead, I order that the file be and is hereby transferred to the Judicial Review Division of the High Court at Nairobi for hearing and determination.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 8th day of May 2020.

KANYI KIMONDO

JUDGE

ORDER

In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the Practice Directions issued by his Lordship, the Chief Justice dated 17th March 2020 and published in the *Kenya Gazette* of 17th April 2020 as Gazette Notice No. 3137, the Certificate of Urgency and the annexed *ex parte* chamber summons were heard electronically. This Ruling has today been transmitted to the applicant's counsel's e-mail address.

KANYI KIMONDO

JUDGE