



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

JUDICIAL REVIEW CAUSE NO. 30 OF 2010

BETWEEN

REPUBLIC

VERSES

PERMANENT SECRETARY MINISTRY OF ENERGY

AND

TURKANA DRILLING CONSORTIUM LIMITED...1ST INTERESTED PARTY

LUNDIN KENYA B.V.....2ND INTERESTED PARTY

AFRICA OIL CORPORARTION.....3RD INTERESTED PARTY

PLATFORM RESOURCES INC.....4TH INTERESTED PARTY

CENTRIC ENERGY CORPORATION

(NOW 0903658 B. C. LTD).....5TH INTERESTED PARTY

INTERSTATE PETROLEUM COMPANY LTD.....EX PARTE APPLICANT

AND

EDWARD KINGS ONYANCHA MAINA.....CONTRIBUTOR

RULING

1. By his Notice of Motion application dated 22nd August 2017, the 5TH Contributor hereinafter referred to as the Applicant prayed among others that the ruling of this court dated 16th December, 2010 be rectified and nullified. He has also prayed that the Applicant M/s Interstate Petroleum Ltd be enjoined as a party .
2. The Applicant through his lengthy and at times with mixture of issues explained the genesis of the matter and how he was aggrieved with the decisions of Hon. Justice Koome, (as she then was) as well as Hon. Justice Githinji. In his supporting affidavit he has attached the said rulings dismissed the judicial review application.
3. Hon. Justice Githinji on his part in the ruling dated 20th May, 2011 decline to recognise the Applicant as a party in the matter and he therefore dismissed the application.
4. The Interested Parties have opposed the said application and have basically raised an objection that the Applicant has no locus as he was not a party to the Judicial Review application herein. They content that the same is generally vexatious and abuse of the court process.
5. The parties have filed written submissions which I do not intent to reproduce here. The Applicant it must be appreciated has been acting

alone all through. The pertinent question which I consider preliminary is what the Respondents have raised namely whether in light of the fact that the Applicant was never a party in the Judicial Review cause he can bring such an application.

6. The rulings by Hon. Justice Githinji in my view settled the issue. He was found to be an intermeddler in this cause and thus the door was shut on him. As regards the decision of Hon. Justice Koome, the Applicant was never a party and to the extend he cannot impugned that decision. At any rate the parties to that decision seemed to have been satisfied and have moved on.

7. More significantly the application has been brought inordinately late after very many years yet he seemed to have been on board generally.

8. In dismissing the application therefore I find the same to be vexatious and an abuse of the courts discretion. The application is dismissed with costs to the Respondents.

Dated and signed and delivered at Kitale in the open court this 15th day of May, 2019.

H.K. CHEMITEI

JUDGE

15/5/19

In the presence of:-

Edward Kings Maina – Contrubutor – present

Barongo for Mailu for Applicant

Barongo for Leshan

Court Assistant – Kirong

Ruling read in open court.