



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

KIAMBU

JUDICIAL REVIEW NO. 15 OF 2017

KENYA NATIONAL CHAMBER OF COMMERCE & INDUSTRY.....APPLICANT

VERSUS

1. COUNTY GOVERNMENT OF KIAMBU

2. COUNTY ASSEMBLY OF KIAMBU

3. THE CLERK, COUNTY ASSEMBLY OF KIAMBU

4. KIAMBU COUNTY PUBLIC SERVICE BOARD.....RESPONDENTS

RULING

1. The court has carefully considered the material presented by way of affidavits, and the arguments made by the respective parties. The main issue in contention is the proper application of sections 13 and 14 of the Urban Areas and Cities Act in regard to the impugned process of filling vacancies in the Boards envisaged in the two sections. For reasons that will be set out in the judgment of the court after hearing the main motion, this court grants an order of stay in respect of swearing in or assumption of office of Municipal Board Members pending the determination of this matter.

2. Further, and in order to expedite the hearing of the substantive motion, the court directs that the same be canvassed by way of written submissions. Costs will abide the outcome of the substantive motion.

DELIVERED AND SIGNED AT KIAMBU THIS 1ST DAY OF AUGUST, 2018.

.....

C. MEOLI

JUDGE

In the presence of:

Mr. Juma for Applicant

Respondent – Mr. Mwangi for 1st and 4th Respondent and holding brief for Mr. Waithaka for 2nd and 3rd Respondent.

Further order

Mr. Mwangi and Waithaka to file then response in 14 days and serve the applicant who will have corresponding leave to file a further affidavit, and file/serve his submissions in 14 days upon service. The Respondents will have 14 days upon service of the applicant's submissions to file their own submissions. Highlighting on 16th October, 2018.

C. MEOLI

JUDGE