



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC NO 50 OF 2019

(FORMERLY JUDICIAL REVIEW NO. 299 OF 2019)

REPUBLIC.....APPLICANT

VERSUS

THE CHAIRMAN RENT RESTRICTION TRIBUNAL.....1ST RESPONDENT

AND

GATANGA MUGITIRI COMPANY LIMITED.....EX PARTE APPLICANT

AND

SAMUEL MAINA MUNENE.....INTERESTED PARTY

RULING

1. This is the chamber summons dated 8th October 2019 brought under order 53 of the Civil Procedure Rules, Section 8 and 9 of the Law Reform Act Cap 26 Laws of Kenya, Section 2(1) (c) of the Rent Restriction Act Cap 296, 1A, 1B and 3A of the Civil Procedure Act and all other enabling provisions of the law.

2. It seeks orders:-

(1) Spent.

(2) That this honourable court be pleased to grant the applicant leave to apply for judicial review orders of certiorari to remove and bring into this honorable court for purpose of quashing the proceedings, ruling and consequential orders of the respondent Chairman in Nairobi Rent Tribunal Case No. 1001 of 2018 Samuel Maina Munene vs Gatanga Mugitiri Company Limited.

(3) That this Honourable Court be pleased to grant the applicant leave to apply for judicial review order of prohibition restraining the 1st respondent from hearing and/or determining Nairobi Rent Tribunal Case No. 1001 of 2018 Samuel Maina Munene vs Gatanga Mugitiri Company Limited.

(4) That the said leave operates as stay of the 1st respondent's decision and consequential orders thereto pending the hearing and determination of the substantive judicial review application.

(5) That costs of this application be in favour of the applicant.

3. The grounds are on the face of the application and are set out in paragraphs (1) to (15).

4. The application is further supported by the verifying affidavit of Gatanga Mugitiri the Ex parte applicant herein sworn on the 8th October 2019.

5. I have considered the chamber summons dated 8th October 2018 and hereby give the following directions:-

(1) That leave is hereby granted in the circumstances.

(2) That the Ex parte applicant do file and serve a substantive motion within twenty one (21) days from the date of this ruling.

(3) That the leave granted do operate as a stay pending the hearing and determination of the substantive motion.

(4) That costs be in the cause.

It is so ordered.

Dated, signed and delivered in Nairobi on this 9th day of July 2020.

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L. KOMINGOI

JUDGE

In the presence of:-

Mr. Gitau for the Applicant

No appearance for the Respondents

Kajuju - Court Assistant