

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

MISC CIVIL SUIT NO 37 OF 1984 (O.S.)

IN THE MATTER OF THE LAND CONSOLIDATION ACT, CAP 283 AND IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR ORDERS OF CERTIORARI AND MANDAMUS

REPUBLIC OF KENYA

(EX PARTE STANLEY MBIUKI).....APPLICANT

VERSUS

1. DIRECTOR OF LAND ADJUDICATION

2. MURATHA MICHEU.....RESPONDENTS

D I R E C T I O N S

1. This is a **judicial review** matter. On 16th February 1984 the *Ex Parte* Applicant herein was granted leave to apply for judicial review. The learned judge in granting leave also directed that the leave do act as a stay of the orders/actions sought to be challenged. The dispute concerned some parcels of land.

2. The *Ex Parte* Applicant then filed the necessary substantive application by **notice of motion dated 8th March 1984**. The notice of motion remained unprosecuted for some 25 years. Upon application by the 2nd Respondent the court in a **considered ruling dated and delivered on 23rd February 2011** (Mbogholi Msagha, J) vacated the order for the leave to act as a stay. He then urged the parties to proceed towards hearing and determination of the substantive judicial review application.

3. The *Ex Parte* Applicant then filed the **notice of motion dated 22nd March 2011** which is now pending disposal. The application seeks the main order that the aforesaid order of 23rd February 2011 be stayed pending hearing and determination of an **intended appeal** against the order.

4. I note that the parties filed written submissions which they high-lighted on 8th October 2013 before me when the entire court record was then not before me. The complete court record was not made available to me until 16th January 2014, and I was then able to peruse it.

5. The application at hand is a very simple one indeed; but for the proper and orderly conduct of court business, matters ought to be dealt with in the proper divisions of the court. Undue movement of court files between divisions may lead to mischief or undue delay.

6. In the circumstances I direct that this file be returned to the **Judicial Review Division** where it belongs for outstanding applications/matters to be dealt with there. It is so ordered. Costs will be in the cause.

DATED AND SIGNED AT NAIROBI THIS 29TH DAY OF JANUARY 2014

H.P.G. WAWERU

JUDGE

DELIVERED THIS 14TH DAY OF FEBRUARY 2014.