



REPUBLIC OF KENYA

High Court at Embu

Miscellaneous Application 154 of 2012

REPUBLICAPPLICANT

VERSUS

PERMANENT SECRETARY MINISTRY OF STATE

SECURITY

PROVINCIAL ADMINISTRATION AND INTERNAL

COMMISSIONER OF POLICE

PROVINCE

PROVINCIAL COMMISSIONER ESTERN

PROVINCIAL COMMISSIONER CENTRAL PROVINCE.....DEFENDANTS

ROSE WANGARI KINYUA.....EX PARTE

AND

DAVID MUNENE KINYUA (JR)

DAVID MUNENE KINYUA T/A

ROSKIN AGENCIES.....APPLICANTS

R U L I N G

This is the Chamber Summons dated 26/7/2012 brought under Order 53 Rule 1 of the Civil Procedure Rules, section 9 & 10 of the Law Reform Act, Section 7-10, 13, 14, 17, 27, 31-32 and Rule 1

of the 1st Schedule of the Alcoholic Drinks Control Act 2010.

Its seeking for orders of prohibition and mandamus against the Respondents. A statement of facts, verifying affidavit plus annexures have been filed in support of the application. The applicants are complaining about actions of the Respondent which are denying them their source of livelihood.

The Respondents though served have not filed any replying affidavit. The Attorney General was also served on their behalf but never filed any papers. Ms. Nyaga appearing for the Applicants on behalf of Mr. Okwaro reiterated that the Applicants were suffering because of the acts of the Respondents.

I do find that there is no opposition to the granting of leave to the applicants for Judicial Review. I therefore grant the leave sought for filing Judicial Review for the orders of prohibition and mandamus.

The Applicants have also asked that the leave operates as stay. The matters here concern alcoholic drinks. Considering what is within public knowledge concerning alcohol that has taken away lives, its important to know the real content of the alcohol that the Respondents have interfered with. For that reason, I will be reluctant to grant any order staying the actions of the Respondents.

I allow the leave sought. The substantive motion to be filed and served within 21 days. Since the business is carried out from Kerugoya the substantive motion should be filed at the High Court Kerugoya.

DELIVERED, DATED AND SIGNED AT EMBU THIS 6TH DAY OF NOVEMBER 2012.

H.I. ONG'UDI

J U D G E

In the presence of:-

Ms. Nyaga for Okwaro for Applicant

Njue CC