



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**MISC. JUDICIAL REVIEW APPLICATION NO. E001 OF 2020**

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW ORDERS OF CERTIORARI AND PROHIBITION**

**AND**

**IN THE MATTER OF ARTICLE 23(3) (F), 40,48 & 50 OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF FAIR ADMINISTRATIVE ACTION ACT, 2015**

**AND**

**IN THE MATTER OF LAND PARCEL NO'S P/NO.1413,P/NO.1414,P/NO/1418 & P/NO/1412 KAMWIMBI 'A' ADJUDICATION SECTION**

**AND**

**IN THE MATTER OF AN APPEAL TO THE MINISTER IN CHARGE OF LANDS AND PHYSICAL PLANNING CASE NO. 95 OF 2015**

**AND**

**IN THE MATTER OF THE LAND ADJUDICATION ACT CAP 284 LAWS OF KENYA**

**AND**

**IN THE MATTER OF SECTIONS 8 AND 9 OF THE LAW REFORM ACT CAP 26 LAWS OF KENYA**

**BETWEEN**

**REPUBLIC..... APPLICANT**

**VERSUS**

**CABINET SECRETARY IN CHARGE OF LANDS**

**AND PHYSICAL PLANNING.....1<sup>ST</sup> RESPONDENT**

**THE DIRECTOR OF ADJUDICATION.....2<sup>ND</sup> RESPONDENT**

**CHIEF LAND REGISTRAR.....3<sup>RD</sup> RESPONDENT**

**THE ATTORNEY GENERAL RESPONDENT.....4<sup>TH</sup> RESPONDENT**

**AND**

NJERU KIRIRIKA..... INTERESTED PARTY

AND

DAGLAS KANGA SHADRACK

MBUNGU NKARI

M'KEA M'IBURUARA

JEDIEL RWANDA NJUE.....EXPARTE APPLICANTS

**RULING**

1. This application was brought to court pursuant to Order 53 Rules 1 and 2 of the Civil Procedure Rules 2010 and is in the following format:

**CHAMBER SUMMONS**

(Pursuant to Order 53 rules 1 and 2 of the Civil Procedure Rules 2010)

**LET ALL PARTIES CONCERNED** attend the Learned Judge in Chambers on the .....Day of ..... 2020 at 9.00 o'clock in the forenoon or soon thereafter when the counsel for the Applicant may be heard for ORDERS:

1. THAT leave do issue for the Applicant to apply for

a) AN ORDER OF CERTIORARI to remove into the Honourable Court and quash the decision of the 1<sup>ST</sup> Respondent contained in the ruling issued on 3/9/2020.

b) AN ORDER OF PROHIBITION directed towards the 2<sup>ND</sup> & 3<sup>RD</sup> respondent prohibiting the respondent from relying on and or effecting the decision contained in the ruling dated 3/9/2020 and issued on 9/10/2020.

c) The leave so granted do operate as a stay of the decision until the determination of the substantive application or until further orders of the court are issued.

2. THAT the court grants all the necessary and consequential orders/directions thereof as Necessary.

3. THAT Costs of this application be provided for.

**WHICH APPLICATION** is based on the grounds set out in the Statutory Statement annexed hereto and the verifying affidavit of JEDIEL RWANDA NJUE and on further grounds to be adduced at the hearing.

DATED at Embu this.....day of.....2020

**WINNIE NGIGI & ASSOCIATES**

**ADVOCATES FOR THE APPLICANTS**

2. On 23<sup>rd</sup> November, 2020, Miss Ngigi, the applicant's advocate told the court that she had served the application upon the respondents.

3. I have perused the application and its annexures.

4. Prayers 1a,1b and 1c in the application are granted.

5. Costs shall be in the cause.

6. Application to be served upon the respondents and mention for directions on 25/1/2021.

**Delivered in open court at Chuka this 23<sup>rd</sup> day of November, 2020** in the presence of;

CA: Ndegwa

Miss Ngigi for the Applicant.

**P. M. NJOROGE**

**JUDGE.**