

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MISC. APPLICATION NO. 1090 OF 1997
UNIVET LABORATORIES (EAST AFRICA)
LTD.....PLAINTIFF

VERSUS
THE MUNICIPAL COUNCIL OF THIKA.....DEFENDANT

RULING

The applicant obtained leave to apply for orders for judicial review for prohibition and Mandamus against the respondent. The substantive application was then filed and served upon the respondent. When this matter was called out for hearing only the learned counsel for the applicant was present. No reply had been filed against the application and no appearance was made to the application herein.

The respondent required that the applicant has to apply for a licence known as “Travellers Wholesalers”. It is the applicants’ case that that requirement does not have the backing of the Law as it is in direct conflict with The Trade Licensing Act Cap 497 and the Pharmaceutical and Poisons Act Cap 244 under which Acts the applicants are licensed. I have followed keenly submissions of the learned counsel for the applicant and also perused the cited provisions of Law.

With respect, I agree that their requirement by the respondent is misplaced and ultra vires the Acts I have set out above. Accordingly the application succeeds. I grant orders as sought in the Notice of Motion dated 19th December, 1997.

The applicant shall have the costs of this application.

Orders accordingly.

Dated and delivered at Nairobi this 31st day of July 1998

A. MBOGHOLI MSAGHA

JUDGE

Mr Mweneri for applicant