



**Rukunga v Principal Secretary, Internal Security and National Administration
& 2 others (Judicial Review Miscellaneous Application E111 of 2025)
[2025] KEHC 13527 (KLR) (Judicial Review) (29 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13527 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E111 OF 2025
RE ABURILI, J
SEPTEMBER 29, 2025**

BETWEEN

MORRIS THURANIRA RUKUNGA APPLICANT

AND

**THE PRINCIPAL SECRETARY, INTERNAL SECURITY AND NATIONAL
ADMINISTRATION 1ST RESPONDENT**

**THE INSPECTOR GENERAL NATIONAL POLICE SERVICE 2ND
RESPONDENT**

THE HON. ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The matter herein was initially filed before the Commercial Division of the High Court and was later transferred to this court on 17/9/2025 by Prof. Dr. Sifuna J on account that it is a Judicial Review Application.
2. I have perused the application dated 2nd May 2025 filed by way of chamber summons. The applicant seeks leave to apply for Judicial Review orders of mandamus to compel the Respondents to settle decree in Nairobi HC Civil Suit No.518/2011 issued vide judgment of 18/8/2023 by A. Ongeru J together with costs and interest.
3. The decretal sum is Kshs.3,197,260.27 plus costs of 327,642 being damages awarded to the applicant for unlawful arrest and malicious prosecution.
4. The application is supported by an affidavit sworn by the applicant Morris Thuranira Rukunga, a statutory statement and annexures.



5. The applicant annexes judgment in the suit where damages were granted, decree, certificate of order against the Government dated 13/2/2024 and 5/3/2024 respectively and demand for settlement as evidenced by the letters of 11/3/2023, 8/1/2023. There is no evidence of payment or promise to pay.
6. Section 25 of the *Government Proceedings Act* bars execution of decrees against the Government. The only avenue for recovery is by way of mandamus as long as the conditions under section 21 of the *Government Proceedings Act* are fulfilled.
7. In this case, I am satisfied that the applicant has satisfied the conditions for leave to issue to permit him apply for mandamus which order issues to compel the accounting officer to perform a statutory public duty of settling decree.
8. Accordingly, I find the chamber summons dated 2/5/2025 merited. I grant leave to the applicant to apply for Judicial Review orders of mandamus to compel the 1st and 2nd Respondents to settle decree issued in Nairobi HCC 518/2011 as sought in prayer 2 of the chamber summons dated 2/5/2025.
9. The substantive motion to be filed and served within 21 days of this Ruling being uploaded to the CTS and the applicant being notified simultaneously via email to comply.
10. The Notice of Motion shall be filed in a fresh Judicial Review file as this is a miscellaneous file.
11. Costs shall be in the main motion.
12. This file is closed.
13. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF SEPTEMBER, 2025

R.E. ABURILI

JUDGE

