



Manani (Suing on Behalf of Trustees of Calvary PAG Church) ((Suing on Behalf of Trustees of Calvary PAG Church)) v Principal Secretary, Ministry of Interior & National Co-ordination & 4 others (Environment and Land Judicial Review Miscellaneous Application E001 of 2025) [2025] KEHC 14129 (KLR) (Judicial Review) (9 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14129 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

JUDICIAL REVIEW

**ENVIRONMENT AND LAND JUDICIAL REVIEW
MISCELLANEOUS APPLICATION E001 OF 2025**

RE ABURILI, J

OCTOBER 9, 2025

BETWEEN

**VINCENT MANANI APPLICANT
(SUING ON BEHALF OF TRUSTEES OF CALVARY PAG CHURCH)**

AND

**PRINCIPAL SECRETARY, MINISTRY OF INTERIOR & NATIONAL CO-
ORDINATION 1ST RESPONDENT
INSPECTOR GENERAL OF POLICE 2ND RESPONDENT
VERONICA MWAURA 3RD RESPONDENT
RISPER BWAMULA 4TH RESPONDENT
LYDIA KWAMBOKA 5TH RESPONDENT**

RULING

1. The chamber summons dated 3/10/2025 and filed in court on the even date is under certificate of urgency.
2. I have perused the application, grounds in support thereof and verifying affidavit as well as the statutory statement and annexures. I do not find any urgency involved. I decline to certify it as urgent.
3. Nonetheless, this is the kind of application that must be dealt with on the spot for the reasons that follow in this Ruling. The applicant seeks leave of court under Order 53 Rule 1 of the Civil Procedure



Rules to apply for Judicial Review orders of certiorari to remove into the High Court to quash the roadside declaration made on 3/10/2025 at Kangemi Goshen Church opposite Total Petrol Station, Waiyaki Way by the respondents and prohibition to prohibit them from demolishing, conveying or demarcating land belonging to the applicant Church.

4. In the grounds and statutory statement as verified by the affidavit sworn by Vincent Manani, the applicant states that there is a pending suit before Milimani Environment and Land Court ELC No. 612/2016 over LR NO. 23240 and that on 3/10/2025, the Respondents declared that the exparte applicants church should be removed or evicted from the site, which declaration pushed hooligans to start demolishing structures belonging to the exparte applicant or their agents.
5. The applicant also prays that the leave so granted do operate as stay of any further demolition and demarcations associated with the matter till the conclusion and determination of these Judicial Review Proceedings. It also prays for costs of the application.
6. The applicant claims that despite the dispute over the said Land No. LR. 23240 being before the Environment and Land Court, the Respondents have taken the law into their own hands and used goons to demolish the property and made clandestine arrangements to trespass on the applicant's land with third parties, which actions are said to be prejudicial to the applicants and is in violation of the Constitution.
7. Among the annexures to the verifying affidavit are photographs showing a public meeting and destructions reminiscent demolition of structures.

Determination

8. I have carefully considered the application and documents in support thereof. The question is whether this court is seized of jurisdiction to entertain the claim. From the onset, the applicant has filed this matter as a HC JR ELC Matter. This is the High Court and not Environment and Land Court.
9. The jurisdiction of the two courts are distinct. Each of the equal status courts derive their respective jurisdiction from the Constitution and respective statutes.
10. However, whereas the High Court is established and conferred with jurisdiction under Article 165 of the Constitution, the Environment and Land Court is established under Article 162(2)(b) of the Constitution to hear and determine disputes relating to ownership, occupation, title to land.
11. The dispute herein is clearly that of ownership and occupation of land parcel No.LR 23240 and is before Environment and Land Court case No. 612/2016 at Milimani. The Respondent's alleged acts of demolishing, trespassing, threatening to evict the applicant church from the disputed land are matters that this court has no jurisdiction to entertain by way of Judicial Review or otherwise.
12. This is because, Article 165 (5)(b) of the Constitution clearly and expressly bars the High Court from hearing and determining disputes which are reserved for the courts of equal status and the Supreme Court. To do otherwise will be to violate the constitutional command.
13. As jurisdiction cannot be conferred by parties' consent or be arrogated by the court itself but is donated by the Constitution and statute; and as it is trite law that jurisdiction is everything, without which, a court of law acts in vain, (Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd (Civil Appeal 50 of 1989) [1989] KECA 48 (KLR) (17 November 1989) (Judgment); I must proceed on the Court's own motion and find that as this court is devoid of jurisdiction to hear and determine a dispute disclosed in these pleadings, I decline to venture into the question of whether leave to apply is



merited and I hereby down my tools and proceed to strike out the chamber summons dated 8/10/2025 for want of jurisdiction.

14. I make no orders as to costs of the application.

15. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF OCTOBER, 2025

R.E. ABURILI

JUDGE

