

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW MISC APPLICATION NO E379 OF 2025

EVELIN MUTHONI WANJIRU

t/a **Destiny Bar and Restaurant**.....

APPLICANT

-VERSUS-

NAIROBI COUNTY ALCOHOL CONTROL BOARD.....**1ST RESPONDENT**

CEC ENVIRONMENT NAIROBI CITY COUNTY.....**2ND RESPONDENT**

DEPUTY COUNTY COMMISSIONER.....**3RD RESPONDENT**

RULING

1. The chamber summons dated 26/11/2025 is filed under certificate of urgency. I have perused the application as filed together with the accompanying documents. I note that the impugned action of closure of the applicant’s premises was allegedly committed on 13/11/2025. I do not find the application to be urgent. I decline to certify the application as urgent.
2. On the merits thereof, as Order 53 of the Civil Procedure Rules permits this court to consider the application *exparte* and

determine whether the application raises any prima facie arguable points, I shall forthwith proceed to consider the merits for leave without delving into the merits of the intended motion.

3. The applicant laments that on 13/11/2025, her business was closed without being given an opportunity to be heard, contrary to her legitimate expectation to do business upon obtaining all the relevant licenses and in the spirit of the Constitution. She also claims that the closure was without notice. In my humble view, the application raises arguable issues to be considered on merit. It is not outrightly frivolous or hopeless.
4. I grant leave to the applicant to institute Judicial Review proceedings in terms of prayers Nos. 2,3,4,5 & 6 of the Chamber Summons dated 26/11/2025. The substantive motion to be filed and served within 21 days of today.
5. On the prayer No.7 that the leave sought do operate as stay of the decision to close her alcoholic business premises, I observe that the premises were closed on 13/11/2025 and that there can be no stay of a decision which is already implemented namely,

closure of the business already took place on 13/11/2025. I decline to grant that prayer for stay.

6. The substantive motion to be filed in a fresh Judicial Review file.

7. This file is therefore closed.

Dated, Signed and Delivered at Nairobi this 1st Day of December, 2025

**R.E. ABURILI
JUDGE**