

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E422 OF 2025
(ORDER 53 OF THE CIVIL PROCEDURE RULES)

**IN THE MATTER OF: AN APPLICATION FOR LEAVE TO APPLY FOR
JUDICIAL REVIEW**

**ORDERS OF CERTIORARI, PROHIBITION AND MANDAMUS UNDER
ORDER 53 OF THE**

**CIVIL PROCEDURE RULES, SECTIONS 8 AND 9 OF THE LAW
REFORM ACT, CAP 26 LAWS OF KENYA**

AND

**IN THE MATTER OF: THE DECISION OF THE COUNTY EXECUTIVE
COMMITTEE**

**MEMBER, NAIROBI CITY COUNTY DEPARTMENT OF HEALTH
SERVICES, REVOKING SANITARY INSPECTION AND COMPLIANCE
WITH RELEVANT FOOD LAWS**

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE COUNTY EXECUTIVE COMMITTEE MEMBER,

NAIROBI CITY COUNTY DEPARTMENT OF

PUBLIC HEALTH..... RESPONDENT

AND

MAMAHO SLAUGHTER HOUSE.....EX-PARTE APPLICANT

RULING

1. The chamber summons dated 19th December, 2025 is not certified urgent because the decision which is sought to be challenged was

made on 22nd July 2025 and there is no reason given for the delay of now over five months since the license was revoked. Although the applicant claims that the letter of revocation was served on him on 21st August 2025 after the period for filing of the appeal had elapsed and therefore, he could not appeal, from 21st August to date is four months and no reason is given for operating without a license for the last four months.

2. On whether leave to apply for judicial Review orders should be granted, what the applicant is expected to establish is a prima facie arguable case.
3. In this case, the applicant claims that his license was revoked without him being given a hearing. That he had complied with all the requirements for being issued with the license which was subsequently revoked by the respondents.
4. I have perused the application, grounds, statutory statement and affidavit together with annexures.
5. I note that the applicant's premises where he operates a butchery were inspected and a clean bill of health was given on 16/7/2025. However, on 22/7/2025, the respondents discovered that NEMA and

since closed the applicant's business and that a matter was pending before court.

6. The applicant has not said anything about the matter which is pending in court.
7. However, this court gives him the opportunity to be heard on his complaint. I grant him leave to apply.
8. The main motion to be filed and served within 21 days of today.
9. On whether the leave granted should apply as a stay of revocation of the license and whether the revoked license should be restored, I note that the revocation was affected in July and even though the applicant claims that he received the letter of revocation in August, it is four months ago.
10. In any event, the applicant could still approach the court that is handling the matter where NEMA closed the business and seek relief. To allow duplication of suits over the same subject matter is an abuse of court process.
11. The applicant also claims that the time for appeal had lapsed at the time that it received the letter of revocation. The inertia by the applicant to approach this court, four months after it had allegedly been served with a revocation letter is telling. There is no explanation

given for the delay which I find to be inordinate, considering that in matters of health, safety is paramount and overrides business profitability.

12. From the material placed before this Court, the applicant has not made full disclosure of all facts leading to the closure of the slaughter house and it would be unsafe for this court to allow the applicant to obtain orders belatedly.

13. I find that there are no satisfactory grounds upon which this court can grant a stay. There is no demonstration that the application will be rendered nugatory if stay is not granted and the application is successful.

14. The prayer for stay is declined and dismissed.

15. The substantive motion to be filed in a fresh substantive judicial review file.

16. This file is closed.

Dated, Signed & Delivered at Nairobi this 22nd Day of December, 2025

**R.E. ABURILI
JUDGE**