



**Chanandin v Nairobi City County (Judicial Review Application
E021 of 2022) [2026] KEELC 549 (KLR) (3 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 549 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
JUDICIAL REVIEW APPLICATION E021 OF 2022
MN KULLOW, J
FEBRUARY 3, 2026**

BETWEEN

ANJU CHANANDIN APPLICANT

AND

NAIROBI CITY COUNTY RESPONDENT

RULING

Introduction

1. The Applicant has filed the notice of motion application dated 31st October 2022 seeking for Judicial review order of mandamus as against the respondent. He asserts that the court in Nairobi ELC Case No 439 Of 20028 ANJU Chanandin Versus City Council Of Nairobi & Another issued a decree to the effect that the respondent pays the applicant the sum of Kenya shillings one million, one hundred and fourty six thousand, two hundred and nineteen and sixty-four cents (Ksh 1, 146,219.64/=)
2. The application was premised on grounds that the respondent extracted a decree in the above mentioned matter which was issued on the 19th September 2022 .That the said figure accumulated interest in the sum of Ksh 293,333/64/= and he proceeded to file a bill of costs which was taxed at Ksh 352,886/= which makes the total sum owed as listed above Ksh 1, 146,219.64/=).He asserted the respondent has been served and given demand to effect payment but outrightly refused to comply with the order hence the application for an order of mandamus to compel the payment.

Respondent's case

3. The respondents filed replying affidavit sworn on the 14th September 2023 by Violet Onyangi who deponed that the order for mandamus could not issue since the applicant had failed to comply with the provision of section 21 of the government proceedings Act that required for the applicant to obtain the certificate of order and serve on the respondent.



4. The applicant filed a further affidavit sworn on the 7th December 2023 indicating that he had since been issued with a certificate of order and served the respondents with the said document.

Applicant's submissions.

5. The applicant reiterated the averments as laid out in the application that the respondent is obligated to pay the decretal sum and indicated that the issue of not serving the certificate of order had been corrected as they respondent had been served with the same and has yet failed to pay up the sums owed. He relied on what was said in the case of Republic v Attorney General Ex partes Miriam Wairimu Wambugu & another [2021] eKLR where the court indicated that an order for mandamus is to issue in situations where an officer or an authority is to perform a duty and that authority fails or neglects to perform the said duty despite written demands to have the same done

Analysis and determination

6. The scope of an order of mandamus was discussed by the Court of Appeal in the case of Kenya National Examination Council vs. Republic ex parte Geoffrey Gathenji Njoroge & 9 Others [1997] eKLR thus:

“What is the scope and efficacy of an order of Mandamus? Once again, we turn to Halsbury’s Law of England, 4th Edition Volume 1 at page 111 From Paragraph 89. That learned treatise says: “The order of mandamus is of a most extensive remedial nature, and is, in form, a command issuing from the High Court of Justice, directed to any person, corporation or inferior tribunal, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. Its purpose is to remedy the defects of justice and accordingly it will issue, to the end that justice may be done, in all cases where there is a specific legal right and no specific legal remedy for enforcing that right; and it may issue in cases where, although there is an alternative legal remedy, yet that mode of redress is less convenient, beneficial and effectual. “At paragraph 90 headed “the mandate” it is stated: “The order must command no more than the party against whom the application is made is legally bound to perform. Where a general duty is imposed, a mandamus cannot require it to be done at once. Where a statute, which imposes a duty leaves discretion as to the mode of performing the duty in the hands of the party on whom the obligation is laid, a mandamus cannot command the duty in question to be carried out in a specific way.”

7. In Republic v Attorney General & Another ex parte James Alfred Koroso [2013] eKLR, it was held that where a judgment creditor has complied with Section 21 of the [Government Proceedings Act](#) and the Government fails to honour its obligation, an order of mandamus lies to compel the performance of that statutory duty.
8. The principles established in the aforementioned cases affirm that a mandamus order compels the execution of a public duty imposed by statute on an individual or entity, where such individual or entity has neglected to carry out that duty, thereby prejudicing a party with a legal entitlement to its performance.
9. The question is therefore whether the applicant complied with the elaborate procedure for applying for mandamus under section 21 of the [Government Proceedings Act](#)?
10. A court will only issue an order of mandamus if it is shown that the requirements under Section 21 of the [Government Proceedings Act](#) have been fulfilled. In the case of Republic vs. Permanent Secretary



Office of The President Ministry of Internal Security & Another ex-parte Nassir Mwandishi [2014] eKLR, Odunga, J. (as he then was), held as follows:

“...It must be remembered that an application for an order of mandamus seeking an order compelling the Government to satisfy a decree is a very elaborate procedure. Before the Court issues such an order, there must be proof that the provisions of the Government Proceedings Act have been complied with in respect to issuance of certificate of costs and certificate of order against the Government. After the issuance of the aforesaid documents, just like in any application for mandamus, there must be a demand for payment made by or on behalf of the decree holder to the relevant department seeking payment since in an application for an order of mandamus, the law as a general rule requires a demand by the applicant for action and refusal as a prerequisite to the granting of an order, though there are exceptions to the rule...The said elaborate procedure is further meant to give adequate notice to the Government to make arrangement to satisfy the decree. The procedure, in my view, is not meant to relieve the Government from meeting its statutory obligations to satisfy decrees and orders of the Court.”

11. I hold the same view as the court above in Republic vs. Permanent Secretary Office of The President Ministry of Internal Security & Another ex-parte Nassir Mwandishi [2014] eKLR,
12. It is only after the procedure as laid down under section 21 of the Government Proceedings Act has been complied with and a demand for payment made that a cause of action accrues for the purposes of an application for an order of mandamus against the Government.
13. In the instant case, it is undisputed that Applicant has fully satisfied the requirements of Section 21 by securing a valid decree, obtaining a certificate of order against the Government, and duly serving it upon the Respondent.
14. The Respondent has not controverted that the above procedure has been followed There is also no evidence of any appeal, stay of execution or judicial review against the original judgment.
15. The principles of justice and finality require that valid court orders be honoured and parties are required to comply with a lawful decree.
16. Anchoring on the submissions as above, I find that the notice of motion dated 31st October 2022 is merited and should be allowed.
17. For the reasons set out above, the Court makes the following Orders: -
 - i. That an order for mandamus is hereby issued compelling the respondent to comply with the decree issued on the 19th September 2022 in Nairobi ELC Case No 439 Of 20028 ANJU Chanandin Versus City Council Of Nairobi & Another and pay the applicant the sum Kenya shillings one million, one hundred and fourty six thousand, two hundred and nineteen and sixty-four cents (Ksh 1, 146,219.64/=) being the decretal sum and interest accrued
 - ii. Costs of the suit to be awarded to the applicant

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 3RD DAY OF FEBRUARY 2026.

MOHAMMED N. KULLOW

JUDGE



Ruling delivered virtually in the presence of:

Ms. Wambugu for the Applicant

No appearance for the Respondents

Ms. Philomena W. Court Assistant

