

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ISIOLO
JUDICIAL REVIEW NO. E002 OF 2024

REPUBLIC.....
.....APPLICANT

-VERSUS-

COUNTY SECRETARY,
COUNTY GOVERNMENT OF ISIOLO..... 1ST
RESPONDENT

CHIEF OFFICER, FINANCE AND ECONOMIC
PLANNING, COUNTY GOVERNMENT OF
ISIOLO..... 2ND RESPONDENT

CHIEF OFFICER, LANDS, HOUSING PHYSICAL
PLANNING AND URBAN DEVELOPMENT,
COUNTY GOVERNMENT OF ISIOLO..... 3RD
RESPONDENT

COUNTY GOVERNMENT OF ISIOLO.....4TH
RESPONDENT

MICHAEL KOOME MBURUGU.....EX-PARTE
APPLICANT

RULING

1. What comes up for determination is the Notice of Motion dated 14th July 2025, brought by the Ex-Parte Applicant. The Application, in effect, seeks the

enforcement of an order of mandamus, issued by this court on 12th May 2025.

2. The order of mandamus had compelled the Respondents to pay the Applicant KShs. 1,650,541.43, being the decretal sum in Meru High court Petition No. 27 of 2018, plus costs and interest.
3. According to the process server the above stated court decree and a demand letter were duly served upon the 1st, 2nd and 3rd Respondents on 9th June 2025 through Mr. Dade Boru, Ms. Habiba Galgalo Jirma and Mr. Francis Lekalasi respectively. It is stated that the respondents have not affected payment, hence the present Application
4. The Applicant seeks orders as follows;
 - 1) Spent
 - 2) *That this Honourable Court be pleased to issue Notice to Show Cause against the 1st, 2nd and 3rd Respondents why they should not be arrested and committed to civil jail for disobedience and failing to settle the decree issued in Meru H.C Constitutional Petition No. 27 of 2018*
 - 3) *That the 1st, 2nd and 3rd contemnor be cited for contempt of court and committed to civil jail for a term of six (6)*
 - 4) *That this Honourable Court be pleased to make an order of committal to civil jail for a term not exceeding six months or impose a fine or to both to the 1st, 2nd and 3rd Respondents for disobeying court order issued on the 12th May 2025 by Honourable Lady Justice Chirchir Sophie.*
 - 5) *That in the alternative to prayer (d), the Honourable Court be pleased to issue an order that all monies /fees/charges accruing or arising from the decree issued totaling to Kenyan*

Shillings One Million, Nine Hundred and Sixty-Two Thousand, Three Hundred and Forty- Three Thousand (Kshs.1,962,343.54) be settled immediately and without fail.

6) That costs of this application be borne by the Respondents.

5. The application is supported by the affidavit of the ex parte Applicant sworn and dated on 14th July 2025. There has been no response despite evidence showing that the present Application was served on the respondents' Advocate on 18th July 2025. The Application is therefore uncontested.

6. In ***Econet Wireless Kenya Ltd v Minister for Information & Communication of Kenya & another [2005] KEHC 1767 (KLR)***, the court cited the case of ***Gulabchand Popatlal Shah & Another Civil Application No. 39 Of 1990***, (unreported), where the Court of Appeal stated;

"... It is essential for the maintenance of the Rule of Law and good order that the authority and dignity of our courts are upheld at all times. This court will not condone deliberate disobedience of its orders and will not shy away from its responsibility to deal firmly with proved contemnors"

In HADKINSON -V- HADKINSON (1952) 2 All ER. 567, it was held that: "It is plain and unqualified obligation of every person against or in respect of, who an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged. The uncompromising nature of this obligation is shown by the fact that it extends even to cases where the person affected by an order believes it to be irregular or even void..."

7. In view of the foregoing, prayer (b) of the Application is warranted and consequently:

- (a) A Notice to Show Cause is hereby issued against the 1st, 2nd, and 3rd Respondents requiring them to appear before this Court to explain why they should not be arrested and committed to civil jail for disobedience and failure with the order of this court order of this court made on 12th may 2025
- (b) The costs of this Application is awarded to the Applicant.

Dated, signed and delivered this 13th day of February 2026.

S. Chirchir

Judge.

In the presence of :

Roba Katelo- Court Assistant.