



Gachuki & another v Cabinet Secretary, Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs) Development & 3 others (Constitutional Petition E039 of 2025) [2026] KEHC 2345 (KLR) (23 January 2026) (Directions)

Neutral citation: [2026] KEHC 2345 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CONSTITUTIONAL PETITION E039 OF 2025
DO CHEPKWONY, J
JANUARY 23, 2026**

BETWEEN

JOSEPH KIHURA GACHUKI 1ST PETITIONER

JOSEPH NDUNGU KIMANI 2ND PETITIONER

AND

**CABINET SECRETARY, MINISTRY OF COOPERATIVES AND
MICRO, SMALL AND MEDIUM ENTERPRISES (MSMES)
DEVELOPMENTT 1ST RESPONDENT**

**CHIEF EXECUTIVE OFFICER, CAPITAL MARKETS AUTHORITY
(CMA) 2ND RESPONDENT**

**CHIEF EXECUTIVE OFFICER, NAIROBI COFFEE EXCHANGE
(NCE) 3RD RESPONDENT**

**GROUP MANAGING DIRECTOR AND CEO, THE COOPERATIVE BANK OF
KENYA 4TH RESPONDENT**

DIRECTIONS

1. This matter came up on 20th January, 2026. However, the Petitioner’s counsel was not in attendance while the 2nd, 3rd and 4th Respondents’ counsel was in attendance.
2. It was noted that the Judgment in Kerugoya High Court, which was believed to have been dealing with similar issues as this Court, being the Constitutionality of the Ministry of Co-operatives through a Circular dated 18th November, 2024 on direct payment of coffee sales proceeds to individual growers, which had previously been raised in this Court did not address this issues in the Petition before Hon. Justice Mureithi E.



3. Each of the Respondents' counsel agreed and confirmed that the Judgment of Kerugoya case did not fully address the issues in this Petition since the directive filed therein was in respect of the 2020 Regulations as what was before it was the 2021 Regulations, and the Court in Kerugoya dismissed the claim. The Respondents' counsel then sought to be granted leave to file their respective responses to the Petition as well as their written submissions in canvassing of the Petition.
4. Having heard the oral arguments by the Respondents' counsel, and given that the Petitioner has already served all the Respondents with the Petition, this Court proceeds to issue the following directions:-
 - a. Each of the Respondent is hereby granted leave to file and serve their Replying Affidavit(s) to the Petition within fourteen (14) days from the date of this ruling.
 - b. The parties to dispose of the Petition by way of written submissions.
 - c. The Petitioners are hereby granted corresponding leave of fourteen days (14) to file and serve further Affidavit, if need be, alongside written submissions upon being served with the responses by the Respondents.
 - d. The Respondents are equally granted corresponding leave to file and serve their written submissions within fourteen (14) days of being served with the Applicants' submissions.
 - e. Mention on 16th March, 2026 for parties to confirm compliance and take further directions.
 - f. Directions and mention date to be served upon the Petitioner and or counsel.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 23RD DAY OF JANUARY, 2026.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Saucha holding brief for Mr. Ngara counsel for 3rd Respondent

M/S Wahinya holding brief for Mr. Kamau Karori (SC) counsel for 4th Respondent

Court Assistant – Martin/Sakina

