



Republic v Water Secretary, Ministry of Water, Sanitation & Irrigation & 4 others; Home Bridge Limited (Interested Party); Tatu City Water and Sanitation (Exparte) (Judicial Review Cause 3'B' of 2022) [2023] KEELC 924 (KLR) (16 February 2023) (Judgment)

Neutral citation: [2023] KEELC 924 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
JUDICIAL REVIEW CAUSE 3'B' OF 2022**

JG KEMEL, J

FEBRUARY 16, 2023

**IN THE MATTER OF AN APPLICATION BY TATU CITY WATER AND
SANITATION COMPANY SEZ LIMITED FOR LEAVE TO INSTITUTE JUDICIAL
REVIEW FOR ORDERS UNDER THE FAIR ADMINISTRATIVE ACTIONS ACT
NO. 4 OF 2015 AND ORDER 53 OF THE CIVIL PROCEDURE RULES, 2010**

AND

**IN THE MATTER OF THE INFRINGEMENT OF ARTICLES 40, 47 & 50 OF THE
CONSTITUTION, 2010**

AND

**IN THE MATTER OF THE WATER ACT 2016 & WATER SERVICES
REGULATIONS, 2021**

AND

IN THE MATTER OF LICENCE NO WASREB/LSA/FIC/72

BETWEEN

REPUBLIC APPLICANT

AND

**WATER SECRETARY, MINISTRY OF WATER, SANITATION &
IRRIGATION 1ST RESPONDENT**

**COUNTY EXECUTIVE, WATER, ENVIRONMENT, ENERGY & NATURAL
RESOURCES COUNTY GOVERNMENT OF KIAMBU 2ND RESPONDENT**



WATER RESOURCES REGULATORY BOARD 3RD RESPONDENT
RUIRU JUJA WATER AND SEWERAGE COMPANY LIMITED 4TH
RESPONDENT

NAIROBI CITY WATER AND SEWERAGE COMPANY
LIMITED 5TH RESPONDENT

AND

HOME BRIDGE LIMITED INTERESTED PARTY

AND

TATU CITY WATER AND SANITATION EXPARTE

JUDGMENT

1. This court granted leave to the *exparte* applicant on the April 27, 2022 to bring judicial review application for orders *interalia* of *certiorari*, prohibition and against the respondents with respect to the minutes and resolutions of the meeting held in the ministry of water sanitation & irrigation on the April 5, 2022.
2. When the court retired to prepare the judgment, it became evident from the record that the applicant's application dated the May 10, 2022 filed on the May 19, 2022 pursuant to the leave granted on the April 27, 2022 was incomplete. From the aforesaid application, I can gather that the same is based on the grounds set out in a statutory statement and verifying affidavit of Alex Kahu Kamuhia sworn on the April 22, 2022. With diligence I am unable to trace this pleading.
3. Consequently it would appear that the applicant failed to place before the court a complete application and to the extent that the statutory statement and the verifying affidavits are missing, the court is unable to determine the application in the manner in which it is, I find that the application before me is incompetent and I proceed to strike it out.
4. I make no orders as to costs.
5. Orders accordingly.

DELIVERED, DATED AND SIGNED AT THIKA THIS 16TH DAY OF FEBRUARY, 2023 VIA MICROSOFT TEAMS.

J G KEMEI

JUDGE

Delivered online in the presence of;

Ms. Maina Sharon for Applicant

1st and 2nd Respondents – Absent

Ms Chidzao for 3rd Respondent

4th Respondent – Absent

Ms. Langat HB Mouti for 4th Respondent



Kyumu HB Muchemi for Interested Party

Court Assistant – Esther / Kevin

