



THE JUDICIARY



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI CITY

COURT NAME: MILIMANI LAW COURTS

CASE NUMBER: HCJR/E041/2023

CITATION: KATIBA INSTITUTE AND 5 OTHERS VS COMMUNICATIONS AUTHORITY OF KENYA
AND STATE LAW

RULING

The Ex Parte Applicants have moved this court via a Chamber Summons dated 24.3.23 by way of a Certificate of Urgency under Article 47 of the Constitution, Sections 7, 8, 9, 11, and 14 of the Fair Administrative Actions Act, 2015; Section 8 and 9 of the Law Reform Act, Cap 26; Order 53 of the Civil Procedure Rules, 2010 inter alia.

The Application is supported by the Verifying Affidavit of Lempaa Suyianka and the Statutory Statement of even date.

Upon perusing the Application alongside the annexures therein, I find that the Application raises an urgent and arguable case. It raises weighty issues that shall be heard and determined on merit at the appropriate stage should the court be appropriately moved.

In the exercise of my discretion under Order 53 of the Civil Procedure Rules, I do hereby issue the following directions:

1. Leave is hereby granted in terms of prayer 2 of the Chamber Summons dated 24.3.23.
2. The leave shall operate as a stay in terms of prayer 3 of the Chamber Summons dated 24.3.23.
3. The substantive Motion shall be filed and served within 14 days of today's date.
4. The Respondents shall file and serve their respective responses within 14 days from the date of service of the Applicant's Motion.
5. The Motion shall be disposed of by way of written submissions and to this end, the Applicants shall file and serve their submissions within 3 days of the date of service of the Respondents.
6. The Respondents shall file and serve their respective submissions within 3 days of the date of service of the applicant's submissions.
7. The submissions shall be limited to ten pages.
8. The Motion shall be mentioned on 10.5.2023 for further directions.

SIGNED BY: HON. JUSTICE J. CHIGITI (SC)



THE JUDICIARY OF KENYA.
MILIMANI HIGH COURT
HIGH COURT JUDICIAL REVIEW
DATE: 2023-03-24 16:07:33+03

