Judicial Review Motion for Certiorari and Prohibition Against a Picketing Directive

Educational sample 148 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI JUDICIAL REVIEW DIVISION

PETITION OR APPLICATION NO [reference]

REPUBLIC v [RESPONDENT AUTHORITY] EX PARTE [APPLICANTS]

INTERESTED PARTIES [as admitted in the actual file]

NOTICE OF MOTION

1. TAKE NOTICE that, pursuant to the leave order dated [date] and the applicable judicial review procedure, the Applicants will seek the following orders at the hearing on [date]. Leave and time compliance must be completed from the actual file.

2. An order of certiorari quashing the Respondent’s directive dated [date] insofar as it unlawfully restricts peaceable and unarmed assembly and picketing by the identified workers.

3. An order of prohibition restraining enforcement of that directive to the extent quashed, without preventing lawful and proportionate policing of genuinely unlawful conduct.

4. The grounds are the illegality, irrationality and procedural impropriety pleaded in the statutory statement. The facts are verified in the affidavit of [deponent] sworn on [date], with the directive and supporting records exhibited.

5. The Applicants seek appropriate declarations and costs. Every affected party must be served as required by the leave order and rules. No criminal conviction or unsupported fixed compensation is requested through this sample motion.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

This is the substantive review motion, not an application for leave. Complete the leave order, hearing and service fields from the file. Check the applicable period for lodging the motion and serve all affected parties. Keep relief within the statement and leave granted. Certiorari quashes an identified decision; prohibition restrains the specified future unlawful implementation. These do not themselves establish a criminal conviction.

Authorities and record references: [authority and proposition]; [relevant admitted document and page]; [court direction governing this filing].

Source and procedural limits

Rights organisations challenged a police directive issued during medical workers' industrial action. They relied on an earlier Nairobi picket at which a union officer was injured and sought review relief concerning peaceful assembly. The respondent did not answer the application; an interested professional body supported it.

The High Court granted prohibition, certiorari, declarations on personal responsibility and costs payable personally by the respondent. It declined the other requested relief. It did not award the requested personal compensation, supervisory investigation order or apology, and did not convict anyone of a criminal offence.

Constitution Articles 24, 36, 37, 41 and 47; Fair Administrative Action Act; Law Reform Act and Civil Procedure Rules Order 53 for the source route; National Police Service Act sections 10 and 66. A current applicant must verify leave, time, service and the competent respondent, and distinguish public law relief from a criminal conviction.

[2024] KEHC 16607 (KLR) — 31 December 2024. Original judgment: https://katibainstitute.org/wp-content/uploads/2025/05/Kenya-Human-Rights-Commission-8-others-v-Nchebere-Law-Society-of-Kenya-2-others-Interested-Parties-Application-E082of2024-2024KEHC16607KLR-Judicial-Review-31December2024-Judgment.pdf

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.