

IN THE SEYCHELLES COURT OF APPEAL

**1. The Government of Seychelles
2. The Attorney General**

Appellants

v

Charles Alfred Paul Moulinié
(Executor of the estate of the
late Michel Paul Moulinié)

Respondent

SCA 16 of 2012

[Before: Domah, Twomey and Msoffe JJA]

*Counsel: A. Madeleine, Assistant Principal State Counsel for
Appellants*

P. Boullé for the Respondent

Date of hearing: 21st August 2013

Date of order: 30th August 2013

Order

Mathilda Twomey, JA

[1] On 7th December 2012 we ordered the return of such parts of parcel PR13 as have been agreed, with the payment of full compensation for such parts as shall not be returned.

[2] We further ordered that the case be remitted to the Constitutional Court for determination of the quantum of compensation.

[3] It subsequently transpired following survey works that further land had to be excised to take into account curtilage and infrastructure appertaining to developments by third parties and the Government.

[4] On the 3rd May 2013 we further ordered that existing buildings, their curtilage and access roads to them be excised from parcel PR13 so as to remain in Government ownership against compensation at market value for the part excised.

[5] In compliance with our order of 3rd May 2013, the first appellant has caused further parcels of land to be excised from Parcel PR13, with the agreement of the respondent for the public purpose of providing a sewerage system for the adjoining housing estate.

[6] We now order that the determination of the quantum of compensation for the parcels of land excised in compliance with our order of 3rd May 2013 be remitted to the Constitutional Court and consolidated with the main case, namely CC 11/2011 for hearing on the quantum of compensation payable.

[7] We finally order that the security for costs in the sum of ten thousand rupees which has been deposited by the respondent in the matter of this appeal and cross appeal be returned forthwith to the respondent.

[8] We wish to state that the procedure adopted in this case involving a monitoring exercise was exceptional on account of the constitutional importance of the issues involved. With the orders made above, we regard ourselves as henceforth functus officio.

[9] We do not make any order for costs in the circumstances of this case.

S.B. Domah

Justice of Appeal

M. Twomey

**Justice of Appeal
Appeal**

J. Msoffe

Justice of

Delivered at Victoria, Mahé, Seychelles this 3rd day of May 2013