

**IN THE CONSTITUTIONAL COURT OF SEYCHELLES  
CORAM: M. Burhan J Presiding Judge; C. Dodin J and M. Vidot J**

**CP01/2017**

**[2018] SCCC**

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**1. MR ALEX JOSEPH FRICHOT  
2. MR GERALD MARIE FRICHOT(EXECUTOR TO THE ESTATE OF THE  
LATE MARIE PHILIPPE FRICHOT)**  
Petitioners

versus

**1. GOVERNMENT OF SEYCHELLES**  
First Respondent  
**2. THE HONORABLE ATTORNEY GENERAL**  
Second Respondent

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Heard: 5 December 2017  
Counsel: Mr. Philippe Boulle Senior Counsel for petitioners  
Mr. Jeyaraj Chinasammy Principal State Counsel for respondents  
Delivered: 16 January 2018

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**RULING OF THE COURT**

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[1] On the 18<sup>th</sup> of July 2017, this Court made order that the petitioners were not estopped from making the present claim nor were they estopped from having the valuation of the land, Parcel V 3095 having an area of 27,687 square metres calculated at the current

market value. Thereafter with the consent of all parties, it was further ordered that Mr. Hubert Alton Chartered Quantity Surveyor M.R.I.C.S, Mr. Daniel Blackburn Chartered Construction Engineer; Chartered Building Engineer: Chartered Surveyor and Mr. Patrick Lablache Chartered Valuation Surveyor F.R.I.C.S, evaluate the said property and produce a report to Court.

- [2] Accordingly, the aforementioned Surveyors submitted their reports to Court. By report dated 3<sup>rd</sup> November 2017 Surveyors Mr. Hubert Alton and Mr; Patrick Lablache valued the relevant property at SR 24,650,000.00 (twenty four million six hundred and fifty thousand). Mr. Daniel Blackburn in his valuation report dated 6<sup>th</sup> November 2017, placed the current market value of same at SR 40,000,000.00 (forty million).
- [3] Having given the petitioner and the respondent time to consider the said valuations, Learned Senior Counsel for the petitioner by way of amended submissions dated 21<sup>st</sup> November 2017, moved Court that the equitable and fair manner to arrive at a just award is to find the average of the difference and add it to the lower figure. Accordingly, he arrived at a figure of SR 29,772,000.00 (twenty nine million seven hundred and seventy two thousand). It was the contention of Learned Counsel for the respondents that the majority valuation of 24,650,000.00 be accepted.
- [4] In this regard we observe in the case of **Maryse Barnier v The Attorney General Civil Side CS29/2014**, Twomey CJ, in a similar situation, proceed to take the average value given by the three Valuation Surveyors. We are of the view that as the Valuation Surveyors were selected with the consent of both parties, the valuation of each of the surveyors have to be considered. Accordingly we proceed to value the said property at SR 29,766.667.00 (twenty nine million, seven hundred and sixty six thousand, six hundred and sixty seven.). Calculated as follows  $24,650,000.00 + 24,650,000.00 + 40,000,000.00 = 89,300,000.00 / 3 = \text{SR } 29,766,667.00$ .
- [5] We therefore make order that the 1<sup>st</sup> respondent pay to the 1<sup>st</sup> and 2<sup>nd</sup> petitioners jointly, a sum of SR 29,766.667.00 (Seychelles Rupees twenty nine million, seven hundred and sixty six thousand, six hundred and sixty seven).

[6] We make further order that the fees of all three Valuation Surveyors be also paid by the 1<sup>st</sup> respondent. .

Signed, dated and delivered at Ile du Port on 16 January 2018

M Burhan  
**Judge of the Supreme Court**

G Dodin  
**Judge of the Supreme Court**

M. Vidot  
**Judge of the Supreme Court**