

**IN THE SUPREME COURT OF SEYCHELLES****EXPARTE**

:

**SEYCHELLES DEVELOPMENT CORPORATION LTD**Cs No: 39 of 2006Mr. S. Rouillon for the Applicant**ORDER****APPLICATION FOR REMOVAL OF RESTRICTION UNDER  
LAND REGISTRATION ACT CAP 107 SECTION 86(2)****GASWAGA, J.**

This is an application for an order of Removal of Restriction sought in terms of Section 86 (2) of the Land Registration Act Cap. 107. It was averred that the applicant is the registered proprietor of land Title C157 situated at Anse a La Mouche, Mahe on which land a restriction was entered by one Dr. Grahame who is said to have made a deposit of UK pounds 360 in 1970 towards the purchase of the same. That Dr. Grahame has since never contacted the applicant nor settled the balance of the purchase price and his whereabouts are unknown yet the applicant wishes to sell the said property to a third party. The restriction however, prohibits him from doing so. It is further averred that the applicant's obligation to sell the property to Dr. Grahame is now time barred by prescription whereupon the applicant is entitled to retain the deposit and the land.

**In a letter dated 2<sup>nd</sup> March 2004 and referenced C157 the applicant was advised by the Land Registrar to apply for the Court Order if it wanted the restriction removed. The Land Registrar has been duly notified of these proceedings on numerous occasions but showed a lack of interest by not turning up.**

On the strength of the affidavit filed in support of the application I find it just and necessary that an order for Removal of Restriction in respect of Land Title C157 at Anse a la Mouche, Mahe under Section. 86(2) of the Land Registration Act Cap 107 issues.

A copy of this order is to be communicated to the Land Registrar and Mr. Rouillon.

I so order.

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**DUNCAN GASWAGA**  
**JUDGE**

**Dated this 5<sup>th</sup> day of July 2006**