

**THE REPUBLIC OF SEYCHELLES**  
**IN THE SUPREME COURT OF SEYCHELLES HOLDEN AT**  
**VICTORIA**

Civil Side No. 131 of 2010

The Property Management Corporation (PMC)

Applicant

Versus

Mare Dick

Respondent

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*Wilby Lucas for the Applicant*

*Respondent unrepresented*

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**RULING**

**Egonda-Ntende, CJ:**

1. This is an application for the issue of a writ of *Habere Facias Possessionem* to compel the respondent to vacate the premises the respondent is currently occupying at Anse Des Jeuner, Mahe. The application is supported by an affidavit sworn by the Managing Director of the applicant, Mr. Bestienne.
2. It is the case for the applicant that the property in a question is a flat owned by the Government and the applicant is the manager of such properties on behalf of the Government of Seychelles. The original tenant in the premises passed away. The respondent is a son of the carer who had been looking after the tenant. The respondent was not a tenant of the applicant nor was he related to the former tenant.
3. The respondent appeared in person at the hearing of this application. He stated that he had been told to stay in the premises by the Member of

National Assembly for Cascade, Mr. Charles De Comarmond. It was in the hope that he would get the opportunity to purchase it if it became available.

4. The law with regard to the grant of a writ of *habere facias possessionem* is well settled in this jurisdiction. Bwana J., (as he then was), restated those principles upon which a writ of *habere facias possessionem* will issue in Maryliane Nolin v Nelson Samson Civil Side No. 171 of 1996 (unreported) in the following words,

‘It is the law that a Writ Habere Facias Possessionem is granted in the following three aspects-

(1) To eject a person occupying property merely on the benevolence of the owner, or if he is a trespasser. Such person has neither title nor right over the property.

(2) If it is the only legal remedy available.

(3) If the respondent has no serious defence to make. Should there be one, then the writ is not granted. Instead, the parties are left to resolve their dispute in a regular action.’

5. It is clear that the respondent is a trespasser on the property in question. He has neither title nor right to the property. He has no defence whatsoever to this application. In the result I would allow this application with costs. I order the respondent to vacate forthwith the property in question.

Signed, dated and delivered at Victoria this 12<sup>th</sup> day of July 2010

FMS Egonda-Ntende

**Chief Justice**