

SUPREME COURT OF SEYCHELLES

Reportable
[2019] SCSC 114
CA 33/2018

In the matter between

GERMAINE PAYET
Acting as Fiduciary for herself and Others
(rep. by Wilby Lucas)

Appellant

and

THE LAND REGISTRAR
(rep. by Evelyne Almeida)

Respondent

Neutral Citation: *Payet vs the Land Registrar* (CA 33/2018) [2019] SCSC 114

Before: (23 January 2019)
Pillay J
Summary: Appeal – Land Registrar’s decision – Section 96 (2) Land Registration Act
Heard: 23 January 2019
Delivered: 23 January 2019

RULING

PILLAY J

- [1] This ruling follows a preliminary objection by the Respondent to the effect that the Appellant acted outside the scope of Section 96 (1) of the Land Registration Act.
- [2] I have read through the objections as well as submissions of both sides. I do not propose to rehearse at all.
- [3] It goes without saying that the Appellant cannot sustain the action under Section 96 of the Land Registration Act seeing that the requirement according to Section 96 (2) is that

there is a “decision, direction, order, determination or award of the Land Registrar” by which he is aggrieved”

- [4] I note the purported document the basis of the present appeal. I note that the document merely reads as “Documents to send back to Lawyer” though dated it is unsigned.
- [5] It is hard to believe that the document is an official document which comes from the Office of the Land Registrar, on plain white paper, without the Seal of the Office. Furthermore the actions which I presume is required of the Attorney is stated in point form, in a very casual manner.
- [6] The document does not befit the status and professionalism expected of such an Office. The Office of the Land Registrar is a Government Office and clients expect and should receive a professional service. More so seeing that the decisions of the Land Registrar are so consequential to its clients.
- [7] It is sad to see that the standards expected of such Office is seriously lacking.
- [8] However it cannot be said that the table sent to Counsel can be termed as a decision of the Land Registrar. It can only be viewed as an exchange of some sort between the staff of the Office of the Land Registrar and the Attorney.
- [9] I wish to add at this point that in as much as the exhibits produced by the Appellant are not relevant to this matter it shows a pattern of conduct, a mode of operation by the Respondent which is worrying. I agree with Counsel for the Appellant that certain norms and protocols are expected of the Office of the Registrar General.
- [10] In view of such finding, the Court finds that the case as brought by Counsel is not ripe for the Court yet in the manner it is brought before the Court, as an appeal.
- [11] The appeal is therefore dismissed with costs in favour of the Appellant.
- [12] This order shall be served on the Registrar General.

Signed, dated and delivered at Ile du Port on 23 January 2019

Pillay J