SUPREME COURT OF SEYCHELLES

Reportable
[2023] SCSC 239
MC 63/2022

In the matter between:

MD HABIBUR RAHMAN **Petitioner**
(rep by F Bonte)

and

MINISTRY OF INTERNAL AFFAIRS **Respondent**
(rep Mrs Leste)

Neutral Citation:	*Rahman v Ministry of Internal Affairs* (MC 63/2022) [2023] SCSC 239 (20th March 2023).
Before:	Govinden CJ
Summary:	Petition dismissed for being insufficiently supported
Heard:	By Written submissions
Delivered:	20th March 2023

ORDER

Petition dismissed for being insufficiently supported.

RULING

GOVINDEN CJ

[1] The Respondent has filed its objections in accordance with rule 12(1) of the Supreme Court Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities Rules 1995, hereinafter referred to as "the Rules". The Respondent has raised several legal objections. This Court finds that one of the objections, namely whether the Petition is sufficiently supported by an Affidavit in accordance with rule 2 (2) of the Rules, goes to the very core of these proceedings.

[2] In that objection the Respondent avers as follows:

> *"The Application for Judicial Review has been made is the name of Habibur Rahman and the supporting Affidavit is in the name of Katherine Gonzalez Espinosa. The Affidavit in support does not indicate how Ms. Kathrine Gonzalez Espinosa is authorised to sign the Affidavit in support of the application made by Habibur Rahman and it is humbly averred that she is making statement regarding matters of which she has no personal knowledge."*

[3] It is to be noted that this Court noticed this discrepancy at the very early stage of the case and gave an opportunity to the Petitioner to rectify the defect. On the 1st of September 2021 I informed Counsel for the Petitioner to rectify the issue by getting the deponent to come to the Registry of the Supreme Court to rectify the defect and Counsel agreed. Apparently, nothing was done following this undertaking to amend the supporting Affidavit to the Petition.

[4] This leaves state of the pleadings of the Petitioner as follows. The Petition is made out by the Petitioner. The Affidavit in support seems to have been originally made by one Katherine Bouchereau of La Retraite, who apparently did not attest to it. Then it appears that her name was crossed out and overwritten in handwriting by one Gonzalvez Espinoza who was inserted as the deponent. The *standi* of this deponent vis a vis the Petitioner in the case is not averred and is unknown. To aggravate the matter it appears that the Assistant Registrar who attested the Affidavit did not countersign the attempt to alter the Affidavit and neither was it countersigned by the new deponent.

[5] It has often been held that rules for making affidavit must be adhered to strictly. The document as presented before me does not live up to the test of what constitutes affidavit evidence. Accordingly, I dismiss the Petition in its entirety for being incompetent as it is insufficiently supported.

Signed, dated and delivered at Ile du Port on 20th of March 2023

Govinden CJ