

SUPREME COURT OF SEYCHELLES

Reportable

[2025]

MA 10/2025

(Arising in CS 12/2024)

In the matter between:

SAMUEL LAUTEE

C/O Air Seychelles

Air Seychelles head office building

Pointe Larue

Mahe

(rep. by Mr. Serge Rouillon)

Applicant

and

VIRGINIA HOAREAU

(PREVIOUSLY LAU TEE)

(rep. by Mr. Basil Hoareau)

1st Respondent

SEYCHELLES AVIATION AUTHORITY

(rep. by Mr. Rajasundaram)

2nd Respondent

WENDY PIERRE

Registrar General

Registration Division

1st floor

Independence house

Victoria

(rep. by Mrs. Derika Figaro)

3rd Respondent

Neutral Citation: *Lautee v Hoareau & Ors* (MA 10/25) [2025] 30th January 2025.

Before: Adeline J

Summary: Application for removal of Inhibition Order entered against property Title S5256 – Section 78 (d) of the Land Registration Act

Heard: 30th January 2025

Delivered: 30th January 2025

FINAL ORDER

With the consent of the 1st and 2nd Respondents in this matter, in exercise of its power under Section 78 (d) of the Land Registration Act, Cap 107, this court orders the cancellation of the inhibition entered in the land register against property Title S5256.

RULING ON MOTION

Adeline J

- [1] This is a Ruling on motion on notice filed in Court on the 20th January 2025 by one Samuel Lautee (“the Applicant”) against one Virginia Hoareau, (“the 1st Respondent”) the Seychelles Aviation Authority (the 2nd Respondent”) and the Land Registrar (“the 3rd Respondent”).
- [2] By its motion, the Applicant, *inter alia*, sought for an order of this court for the removal of an inhibition entered in the Land Register against property registered as Title S5256 situated at Pointe Larue, Mahe, Seychelles.
- [3] The motion is supported by an affidavit of fact and evidence sworn by the Applicant himself.
- [4] On the date appointed for reply to the motion, learned counsel representing the 1st and 2nd Respondents indicated to the Court that on instructions received from their client, there is no objection to the removal of the inhibition order entered in the land Register against Title S5256.
- [5] A motion, made viva voce, by learned counsel representing the 3rd Respondent for time to file a reply was denied by this court for the reason that the 1st and 2nd Respondent who have a direct vested interest in the subject matter of the motion had not objected to the motion and a delay to conclude this matter is unnecessary.

[6] This Court’s statutory power to grant the order being sought for in prescribed under Section 78 (d) of the Land Registration Act, Cap 107, that reads as follows;

“78. *The registration of an Inhibition shall be cancelled in the following cases and in no others*

(a)

(b)

(c)

(d) *by order of the court”.*

[7] Thus, by seeking for the removal of the inhibition order, effectively, the Applicant calls on this Court to exercise its power under Section 78 (d) of the Land Registration Act and to make the appropriate order.

[8] Therefore, by consent of the 1st and 2nd Respondents in this matter, in exercise of its power under Section 78 (d) of the Land Registration Act, Cap 107, this court orders the cancellation of the inhibition entered in the land register against the property Title S5256.

[9] The Land Registrar shall effect the necessary cancellation by deregistering the inhibition entered against Title S5256.

[10] A copy of this order shall be served on the Land Registrar.

[11] A copy of this order shall be served on the parties to this motion.

Signed, dated and delivered at Ile du Port on 30th January 2025

Adeline J