

IN THE SEYCHELLES COURT OF APPEAL

[Coram: S. Domah (J.A) , A. Fernando (J.A) , M. Twomey (J.A)]

Constitutional Appeal SCA CP 42/2013

(Appeal from Constitutional Court Decision 04/2012)

Nelson Robert Poole

Appellant

Versus

Government of Seychelles

Respondent

Heard: 06 April 2015

Counsel: Mr. Philippe Boule for Appellant

Mr. Jayaraj Chinnasamy for Respondent

Delivered: 17 April 2015

JUDGMENT

S. Domah (J.A)

[1] This is a seemingly bad case for the appellant who was petitioner before the Supreme Court in an action seemingly prescribed by 17 years and which was further struck seemingly by the rule of *res judicata*. He owned a parcel of 415, 219m² of land, Parcel No. T627, at Anse Gaulettes, Mahe. On 1 October 1983, Government compulsorily acquired the property under the Land Acquisition Act 1977. On the matter of compensation arising out of the 1977 Act, there arose a dispute. He brought a case against Government. The Supreme Court decided in his favour in the sum of SR450,845 (vide case of Civil Side no. 139 of 1985). That was prior to the coming into force of the current Constitution.

[2] On 1 October 1993, Seychelles moved into a new and current constitutional arrangement, the Constitution of the Third Republic: see **Chetty v Government of Seychelles SCA 4 of 1989**. This Constitution is characterized by several entrenched and overriding features: namely, the primacy of the Constitution, the democratic

