

IN THE CONSTITUTIONAL COURT OF SEYCHELLES

**[Corum: D. KARUNAKARAN – PRESIDING JUDGE, B. RENAUD –
JUDGE, G .DODIN – JUDGE]**

**MA 206/2014 & MA207/2014
(arising in CP 02/2014)**

[2014] SCCC 09

THE SEYCHELLES NATIONAL PARTY & ORS

Petitioners

versus

THE GOVERNMENT OF SEYCHELLES & ORS

Respondents

Heard: 29th July 2014

Counsel: Mr. A. Derjacques for petitioners

Mr. R. Govinden for the 1st, 2nd and 4th respondents

Mr. R. Govinden standing in for

Mrs. Aglae for the 3rd defendant

Delivered: 29th July 2014

RULING

Judgment of the Court

- [1] This is a unanimous decision of this Court on two motions filed by the respondents in MA207 of 2014 and MA206 of 2014 respectively arising in CP02 of 2014.
- [2] In the first motion MA207 of 2014, the applicants have applied for an order seeks “leave to appeal” to the Court of Appeal against the Ruling of this court delivered on the 8th July 2014, on the issue of recusal of a Judge, who was on the previous panel. In the second motion MA206 of 2014, the applicants have applied for an order seeking a “stay of further proceedings” in the main petition CP02 of 2014.
- [3] We diligently examined the submissions made by counsel on both sides. Whatever be the arguments advanced by counsel for and against these two motions, the fact remains that on the face of the pleadings on records, it is evident that both motions are not properly before this Court, namely the Constitutional Court. These two motions have obviously, been instituted before the “Supreme Court”, and have been registered and numbered as such in the suit register of the Supreme Court Causes.
- [4] In the circumstances, we find that both motion are procedurally defective, irregular and not maintainable in law. Both applications are not properly before this Court and hence liable to be dismissed *in limine*. The applicants herein could be hurt, when their applications are being dismissed *in limine* because of a “legal technicality” or “procedural irregularity”. However, in the long run a “Democratic Society” and “Rule of Law” would be hurt still more, if we allow or condone when lawless conduct by law-enforcement agencies goes unchecked.
- [5] We therefore, set aside both motions accordingly.

Signed, dated and delivered at Ile du Port on 29th July 2014.

D Karunakaran
Presiding Judge

B Renaud
Judge of the Supreme Court

G Dodin
Judge of the Supreme Court

