

SUPREME COURT OF SEYCHELLES

Reportable/Not Reportable/Redact

[2025]

MA121/2025

Arising from MC46/2025

In the matter between:

LAZARE PROPERTIES LIMITED
represented by Laurent Mosser its Director
(rep. by Rajasundaram)

Petitioner

and

MINISTRY OF EMPLOYMENT AND SOCIAL AFFAIRS
represented by Minister Patricia Francourt
(unrepresented)

1st Respondent

MRS. PATRICIA FRANCOURT
Minister of Employment and Social Affairs
(unrepresented)

2nd Respondent

ATTORNEY GENERAL
(unrepresented)

3rd Respondent

Neutral Citation: *Lazare Properties Limited v Ministry of Employment & Social Affairs*
(MA121/2025) [2025] (2nd February 2025).

Before: E. Carolus J

Summary: Application for leave to proceed with application for Judicial Review

Delivered: 2nd July 2025

ORDER

The application for leave in MA121/2025 and the Petition for Judicial Review in MC46/2025 are both dismissed

RULING

E. Carolus, J

- [1] This Ruling arises out of an application for leave to proceed with a petition for Judicial Review.
- [2] The application for leave is dated 3rd June 2025 and was filed on the same date in MA121/2025. It is stated to be made ex-parte under Rules 5 and 6 of the Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules, 1995 ("the Rules") and gives notice to the respondents of the petitioner's application "*for an order granting leave to proceed with the Petition attached herewith on the grounds set out in the attached Affidavit*". It is to be noted that no petition is attached to the application. The application is however supported by an affidavit sworn by Laurent Moser, a director of the applicant company, to which relevant documents (excluding the petition) are exhibited.
- [3] On 5th June 2025 the applicant filed its petition for judicial review also dated 5th June 2025 in MC46/2025. The petition is unsupported by an affidavit or supporting documents. In terms of the petition Mr. Moser prays "*for the following Judgment*":
- (i) *Declaring that the decision of the 1st and 2nd Respondents was irrational, unreasonable and a breach of natural justice.*
 - (ii) *Issuing a Writ of Certiorari quashing the Decision of the 1st Respondent in its letter dated 28th January 2025 and the decision of the 2nd Respondent in its letter dated 20th March 2025.*
 - (iii) *Ordering the 1st Respondent to pay costs.*
- [4] The decisions which are sought to be reviewed, are essentially the refusal by the Competent Officer of the petitioner's application made on 7th January 2025, for the employment of a non-Seychellois worker in the position of Finance Director with the petitioning Company, which was communicated to the petitioner by letter dated 28th January 2025; and the dismissal of the petitioner's appeal to the Minister against the Competent Officer's decision of 28th January 2025. The appeal was lodged by way of letter dated 12th February 2025 and the dismissal of the appeal communicated to the petitioner by letter dated 20th March 2025 signed by the Minister.

[5] The procedure for Judicial Review petitions as provided in the Rules, insofar as it is relevant to this matter, are as follows:

2. (1) *An application to the Supreme Court for the purposes of Rule 1(2), shall be made by petition accompanied by an affidavit in support of the averments set out in the petition.*

(2) *The petitioner shall annex to the petition a certified copy of the order or decision sought to be canvassed and originals of documents material to the petition or certified copies thereof in the form of exhibits.*

[...]

5. *Every petition made under Rule 2 shall be registered by the Registry and shall be listed ex-parte for the granting of leave to proceed.*

6. (1) *The Supreme Court shall not grant the petitioner leave to proceed unless the Court is satisfied that the petitioner has a sufficient interest in the subject matter of the petition and that the petition is being made in good faith.*

(2) *Where the interest of the petitioner in the subject matter of the petition is not direct or personal but is a general or public interest, the Supreme Court in determining whether the petitioner has a sufficient interest in the subject matter may consider whether the petitioner has the requisite standing to make the petition.*

[6] It is clear that the procedure prescribed by the Rules have not been followed. First of all, the petitioner need not have filed a petition *and* an ex-parte application for leave. The petition alone would have sufficed. Rule 5 clearly states that once the petition is filed, the Registry shall proceed to list it ex-parte for the granting of leave to proceed. Judicial Review applications involve a two-step process whereby once the petition is filed, the Court will first consider and determine the issue of leave ex-parte, and if leave is granted, proceed to the second stage to consider the merits of the Judicial Review application.

[7] However, what is more of concern to this court is that the Petition filed in MC46/2025 was not supported by an affidavit or supporting documents in clear breach of the mandatory requirements set out in Rule 2(1) and (2). The petition is not supported by an affidavit, or supporting documents. For that reason alone, the petition stands to be dismissed.

[8] In my view, it is irrelevant that the application for leave in MA121/2025 was supported by an affidavit to which the documents which ought to have been filed in support of the petition in MC46/2025 are exhibited. The fact that the petition is unsupported by an affidavit as required by Rule 2(1) renders it fatally defective. In the circumstances, it would be futile for this Court to consider the issue of leave.

[9] Accordingly, for the above reasons, both the application for leave in MA121/2025 and the petition for Judicial Review in MC46/2025 are dismissed.

Signed, dated and delivered at Ile du Port on 2nd July 2025.



E. Carolus