

BEFORE THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

ELAT 671/14

In the matter of:

Global Sports Ltd

Appellant

v/s

Municipal Council of Quatre Bornes

Respondent

RULING

The present appeal is against a decision taken by the District Council for having rejected an application made by the Appellant for a Building and Land Use Permit (BLUP). One of the grounds for refusal put forward by the respondent is inadequacy of parking space. In connection with this ground one Mr. Gokool was called on behalf of the appellant to give evidence on whether or not he had objections that the appellant uses his property as parking space for its customers. He sought to adduce a document in the course of re-examination to allegedly show that he was given authority to represent the succession for which the property belongs. Me. Kandhai appearing for the respondent objected to the production of any document on the basis that it bore no date, not all of the heirs signed, the authenticity of the signatures is unknown and that it was addressed to the CEB.

We believe that since the issue raised in cross-examination by Me. Kandhai which prompted the witness to answer that he had an authorization to represent the other heirs, this evidence becomes relevant. As a rule, for evidence to be admissible it must be both relevant and not infringe any of the exclusionary rules. Now, the witness seeks to produce the evidence, presumably, to support his contention that he has the authority or right to grant permission to the appellant. Whether, the document is incomplete or that there are doubts as to its authenticity, are relevant points to be considered when deciding on the weight to be attached to such a document. The procedures before a Tribunal being more relaxed than in a Court of Law, the rules on admissibility of evidence are also applied with less rigidity. We accordingly allow the document to be adduced. It will be ultimately for the Tribunal to decide when we are making our determination, what weight, if at all, is to be attached to such a document.

Ruling delivered on 13th April 2015 by

Mrs. J. RAMFUL

Vice President

Mrs B. Kaniah

Assessor

Mr. G. Seetohul

Assessor