

ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

Before:

Chairperson

ELAT : 690/14

Sitting of: 19/11, 2015

Appellant: Present - Mrs. H. Chaturvedi  
- Mr. Professor Badhe  
- Mr. Roopan Chavhan

Counsel for Appellant:

Attorney for Appellant:

Respondent:

Counsel for Respondent: Mr. Saubhoo

Attorney for Respondent:

Co-Respondent: Mr. Lalbahar M. for Co-  
Resp.

Mr. Manoj S. Mohesabhai

Proceedings in Create.

Submissions of Mr. M. Lalbahar  
and Mr. Saubhoo.

Contents of the submissions M.  
AS

are explained to the Appellants.  
The Appellants maintain that  
they have submitted an  
objection at the Tribunal  
within the delay.

### Ruling.

After verification of the  
records in the file, the  
Tribunal notes that a  
hand-written letter has been  
submitted at the Tribunal  
on the 25th May 2014, whereby  
the Appellants stated that  
they feel aggrieved by the  
decision of the Pamplunousses  
District Council and wished  
to appeal against this decision.

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Respondent:.....

Counsel for Respondent:.....

Attorney for Respondent:.....

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Although, as stated by counsel for Co-respondent, this has not been done on the prescribed form for the notice of appeal, we are of the view that this Tribunal is empowered by the ELAT Act 2012 to take a

less technical and more flexible approach in its proceedings. In view of this, and in the spirit of justice, we hold that the letter dated 25th may be taken as the 'notice of appeal' for the purpose of the present appeal. The 'notice of appeal'

dated 11th July 2014 was accepted by the Tribunal to 'formalize' the grounds on which the appeal rests.

Finally, this approach is in line with the principle that 'technicality should not dictate substance' as propounded by the Privy Council in the famous case referred to as

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The 'mango tree' principle (Re case  
of Tounany and Mullegadoo v.  
M. Veerasamy [2012] 412 ACB).

The plea to dismiss is  
therefore set aside and the  
appeal is to proceed on its  
merits.