

MRS Nazida Islam Moolkees & Ors v/s

Mahanagar Telephone (Mauritius) Ltd I.P.O Municipal Council  
of Vacoas-Phoenix

ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

Before: Chairperson

ELAT : .....

Sitting of: -----, 2015

Appellant: .....

Counsel for Appellant: .....

Attorney for Appellant: .....

Respondent: .....

Counsel for Respondent: .....

Attorney for Respondent: .....

Co-Respondent: .....

Ruling

Following a letter dated 4<sup>th</sup>  
December 2015 from the  
applicant's attorney the  
matter has been urgently

16

called today on account  
of an agreement made in  
the letter that the Resp  
has resumed excavation works  
on the site and that the  
works ~~are~~ <sup>FB.</sup> may be over by  
the 29<sup>th</sup> January 2016, date  
on which the matter was  
been fixed to hear the  
merits of the application for  
injunction to put the  
convenience of all parties.

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Attorney for Appellant:.....

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Counsel for Respondent:.....

Attorney for Respondent:.....

Co-Respondent:.....

I have duly considered <sup>the motions</sup>  
of counsel for the applicants  
and the grounds upon which  
the motion is objected to by  
the counsel appearing for the  
Resp. I have also considered.

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18  
the stand of all parties.

It is a matter of concern  
that the <sup>3/2</sup> Pupts have already  
erected the Tower when  
they were clearly aware  
that there is a case before  
the Chairperson to <sup>be</sup> debated  
on ~~that~~ <sup>3/2</sup> issue is an application

under S. 4 (2) of the Environ  
and Land Use Appeal Tribunal Act -  
2012. I have been convinced  
by the reasons advanced  
by counsel for the applicant

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Sitting of:....., 2015

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Counsel for Appellant:.....

Attorney for Appellant:.....

Respondent:.....

Counsel for Respondent:.....

Attorney for Respondent:.....

Co-Respondent:.....

that a failure for me to  
 grant an order in an interim  
 nature at this stage may  
 defeat the purpose of the  
 application for injunction  
 in that works have  
 already been completed by the

date of the hearing of the  
 application. My intervention is  
 urgent and  
 therefore I justified at this stage  
 on account of the likelihood  
 of prejudice being caused being  
 given that by the date of  
 the hearing there is a ~~strong~~<sup>HR</sup>  
 high probability that I am  
 faced with a "~~fact situation~~"<sup>situation</sup>  
 that the Tower is erected and  
 operational. The motion of Mr. Saha  
 is accordingly granted.  
 By virtue of the powers vested upon  
 me under section 4(2) of the  
 Environment and Land Use Appeal  
 Tribunal Act 2012, I order the

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Attorney for Respondent:.....

Co-Respondent:.....

Respondent not to proceed with any works on the site pending the outcome of the present application in view of the urgency of the matter and the likelihood of prejudice being caused.

29  
However, in the interest of  
justice and bearing in mind  
that the Rep's counsel has  
raised a few points, I am  
rescheduling the date of the  
hearing of the application for  
injunction to a later date.

Merits: 12<sup>th</sup> January 2016  
@ 11 am.

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8/12/15