

BEFORE THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

ELAT 1565/18

In the matter of:

Jean Noel Sylvain Tuckmansing & Ors

Appellants

v/s

The Municipal Council of Quatre Bornes

Respondent

In the presence of:

Ismael Mohun

Co-respondent

RULING

1. Following the judgment in the case of **Baumann v/s District Council of Riviere de Rempart IPO Syndicats des Co-Proprietaires de Savannah Sparrow Residence and Ors [2019] SCJ 311** whereby the Supreme Court made a pronouncement on who is “an aggrieved person” within the meaning of **section 117(14) of the Local Government Act 2011**, and whereby their Lordships stated “*the Tribunal [which] does not have the jurisdiction to consider and determine complaints from persons who are not “aggrieved persons” within the definition of the Local Government Act 2011.*”, the Tribunal has decided that it, being of inferior jurisdiction to the Supreme Court, is bound and must abide by the decision of the Supreme Court based on the principle of *stare decisis*.

2. This being the position adopted by the Tribunal, it cannot entertain any appeal from persons other than “aggrieved persons” within the meaning of **section 117(14) of the Local Government Act 2011**, as per the interpretation of the Supreme Court, for want of jurisdiction. The present appeal is therefore dismissed with no order as to costs.

Ruling delivered on 10th July 2020 by

Mrs. J. RAMFUL
Vice Chairperson

Dr. Y. MIHILALL
Assessor

Mr. G.LEPOIGNEUR
Assessor