

## IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

## DECLARATION OF TITLE

In the matter of the Title to Land (Prescription and Limitation) Act, Chapter 60:02.

-and-

In the matter of Lot 2 being portion of Republic Park, Plantation Peters Hall situate on the East Bank of Demerara in the county of Demerara, Guyana the said Lot 2 being shown on a plan by T.A.K. Fisher, Sworn Land Surveyor dated the 15<sup>th</sup> day of April, 2014, and recorded in the Guyana Lands and Surveys Commission as Plan No. 58556.

-and-

In the matter of a Petition for a Declaration of Title by prescription to Lot 2 being portion of Republic Park, Plantation Peters Hall, aforesaid by Sabitri Narine.

Application by Summons dated February 8, 2018, for an amendment to the description of the land set out in the Order of Court/Declaration of Title made June 16, 2017

Before Ms. Nicola Pierre, Commissioner of Title:

February 22, 2018

**Appearances:**

Mr. De Santos S.C., Ms A. Lall, Mr. De Santos for the Petitioner

**Decision**

1. On June 16, 2017, in petition 306 of 2015, I made a declaration of title in favour of Sabitri Narine to “Lot 2 being portion of Republic Park, Plantation Peters Hall, within the Peters Hall Local Government District situate on the East Bank of Demerara, in the county of Demerara, and in the Republic of Guyana.”

2. On February 8, 2018, the petitioner filed the summons now heard seeking leave to amend the description of the land by deleting the words “Local Government District” and substituting therefor the words “Neighbourhood Democratic Council” so that the description of the land may be “Lot 2 being portion of Republic Park, Plantation Peters Hall, within the Peters Hall Neighbourhood Democratic Council, situate on the East Bank of Demerara.
3. I dismiss the application because a ‘council’ is a group of persons, not a geographic location in which land can be located. A “council” is defined in the Oxford Dictionary as “A body of people elected to manage the affairs of a city, county, or other municipal district.” A piece of land cannot be situated within a “Neighbourhood Democratic Council.”
4. The Co-operative Republic of Guyana is divided into areas. There are ten regions, and then in descending order, there are sub-regions and neighbourhoods: section 4 of the Local Democratic Organs Act, Chapter 28:09. The neighbourhoods are named by the Minister of Local Government: s.5. The neighbourhoods in Guyana are listed in column (1) of the Schedule to the Local Democratic Organs (Neighbourhood Democratic Councils) Order 1990.
5. The Minister by section 3 of that Order, pursuant to section 5 of the Act, established a Neighbourhood Democratic Council for each neighbourhood. A list of the Neighbourhood Democratic Councils is in column (2) of the Schedule to the Local Democratic Organs (Neighbourhood Democratic Councils) Order 1990.
6. A neighbourhood is an area of land the boundaries of which are set by the Minister: section 5 of the Act. A neighbourhood democratic council is a group of people, the composition and membership of which is decided by the Minister: section 3 of the Order. Column (3) of the Schedule to the Local Democratic

Organs (Neighbourhood Democratic Councils) Order 1990, lists the number of members for each council named in column (2) for each area named in column (1). That group of people, that Council, maintains public property and is responsible for the management of the area.

7. Plantation Peters Hall is not a person and therefore cannot be situate in a 'Neighbourhood Democratic Council' . Plantation Peters Hall is land situated or located in a named area of land specifically, the Ramsburg/Eccles neighbourhood, in region 4, in the county of Demerara, in the Co-operative Republic of Guyana. The Ramsburg/Eccles neighbourhood is to be managed by the group of 18 people who are members of the Ramsburg/Eccles Neighbourhood Democratic Council.

8. I therefore dismiss the application to insert the words "Neighbourhood Democratic Council" into the description of the property.

9. The Court on its own motion hereby amends the description to delete the words "within the Peters Hall Local Government District situate on the East Bank of Demerara" and to substitute therefor the words "in the Ramsburg/Eccles neighbourhood, on the east bank of the Demerara River in the county of Demerara, in the Co-operative Republic of Guyana" .

Ms. Nicola Pierre,  
Commissioner of Title,  
February 22, 2018.