

**EASTERN CARIBBEAN SUPREME COURT
GRENADA**

**IN THE HIGH COURT OF JUSTICE
(CIVIL)**

CLAIM NO. GDAHCV2023/0125

BETWEEN:

IN THE MATTER OF THE POSSESSORY TITLES ACT 22 OF 2016

SOLOMON BRATHWAITE

Applicant

and

SPRING VALLEY CO-OPERATION

Opposer

Before:

The Hon. Mde. Justice Agnes Actie

High Court Judge

Appearances:

Mrs. Hazel Hopkin-LaTouche for the Applicant

Mr. Benjamin Hood for the Opposer

2026: February 24th, 26th.

RULING

- [1] **ACTIE, J.:** This matter came on for trial on a claim for a declaration of possessory title in respect of a parcel of land situate at Hope the parish of St. Andrew, measuring Two Hundred and Thirty-five Thousand Nine Hundred and Eighty-one Square Feet (235,981 sq. ft.) (hereafter referred to as “the disputed land”).

The Applicant’s case

- [2] By his application filed on 10th March 2023, the applicant asserts to have been in exclusive and undisturbed possession of the disputed land for eighteen (18) years in his own right.

- [3] The applicant asserts that he entered into possession of the disputed land in 2005, which he cleared, excavated, cut drains, roads and fully irrigated. He ploughed and cultivated the disputed land with short crops for commercial markets.
- [4] This evidence is corroborated by the evidence of the applicant's two witnesses, Lynette Panchoo and Joycelyn Mahon. The evidence in support of the applicant's application and the aerial photograph clearly indicates an expansive, fully cultivated area with a proper irrigation system.
- [5] The applicant avers however that on or about 22nd June 2022, a Licensed Land Surveyor, Mr. Andrew Alleyne, attended the disputed land and indicated that one Pauline Andrew owned the land. The applicant states that he does not know Pauline Andrew, and has never seen her on the disputed land.

The Opposer's case

- [6] On 22nd June 2023, Spring Valley Co-Operation, entered an appearance to oppose the applicant's application contending that it is the owner of the disputed land by virtue of conveyance dated 27th June 1989. The opposer further contends that notice of the application was not placed on the boundary of the disputed land, in contravention to the **Possessory Titles Act**.

Additional Evidence regarding the Survey Plan

- [7] On 30th July 2025, Mr. Andrew Alleyne filed an affidavit, in which he stated that he came into contact with the applicant while conducting the survey on behalf of the opposer.
- [8] Mr. Alleyne further indicated that although the survey plan in support of the applicant's application bears his name, he was never engaged by the applicant to prepare the said plan.

Issue for Determination

- [9] Given the evidence of Mr. Alleyne with respect to the survey plan in support of the applicant's claim, the main issue at this stage is whether there is a valid and properly authenticated survey plan in support of the application.

Applicable Law, Analysis and Findings

- [10] **Section 6** of the **Possessory Titles Act** (hereafter referred to as "the Act") requires a plan to accompany the application for declaration of possessory title and states:

"6- (1) An application for declaration of possessory title shall be accompanied by a plan of the parcel of land authenticated by the signature of a Land Surveyor licensed pursuant to the Land Surveyors Act, Chapter 162.

(2) the court may reject a plan that, in its opinion, does not contain sufficiently detailed information relating to the piece or parcel of land."

- [11] The court in an order of 28th April 2025 directed the opposer to file a report of a licensed land surveyor to settle the issue as to whether the disputed land forms part of lands belonging to the opposer.

- [12] The matter came on for trial on 24th February 2026. The applicant in examination-in-chief stated that he engaged one Sparks Lewis to prepare the survey plan in support of his application, which plan bears Mr. Alleyne's signature. He provided a receipt of payment of the sum of \$2,750.00 to the said Sparks Lewis for the survey of the lot.

- [13] The court issued a witness summons for Mr. Sparks Lewis to attend before the court on 26th February 2026. Mr. Lewis on his sworn evidence admits that the signature of Mr. Andrew Alleyne was scanned and superimposed on the survey plan that he prepared for the applicant. He admits that the survey was not conducted by Mr. Andrew Alleyne, neither did he obtain Mr. Alleyne's permission to endorse his name on the said plan.

- [14] Mr. Alleyne admits that licensed land surveyors sometimes assist unlicensed land surveyors in the authentication of survey plans, but only after proper verification of the coordinates and other information on the survey plans. Mr Alleyne states that he did not assist Mr. Sparks Lewis and was stunned to see his name on a survey plan that he never prepared nor authenticated.
- [15] This is a very grave issue which further reflects the ambit of fraudulent acts that are pursued in an effort to obtain declarations of possessory titles in this jurisdiction. This court has constantly lamented that the Possessory Titles Act is being used as an instrument of fraud in an attempt to obtain title through adverse possession.
- [16] The **Possessory Titles Act** in its current form does not provide any mechanisms for verification of applications for declarations of possessory title. The court has over the years implemented ingenious ways, such as requesting aerial photographs, which usually reflect evidence contrary to the sworn evidence in support of the applications. The court has also engaged in vigorous examination-in-chief of the applicants and their supporting witnesses, even when the applications are unopposed. These active examinations usually reveal distorted and/or suppressed evidence in support of the applications.
- [17] In the present case, the applicant states that he was unaware that Mr. Sparks Lewis was not a licensed land surveyor. Sparks Lewis admits that he is not a licensed land surveyor, but does surveys in his line of work for construction purposes. Mr. Sparks Lewis said that he served notice on all adjoining boundaries, but did not provide any evidence of service on the opposer, who owns land in boundary with the applicant.
- [18] The actions of Sparks Lewis in impersonating Mr. Andrew Alleyne, Licensed Land Surveyor in support of the application for possessory title is in breach of Section 30 of the Act. **Section 30 of the Act** provides:

- (1) If, in the course of any proceedings under this Act, a person
 - (a) Knowingly makes or assists in the making of any material false statement or representation; or

- (b) With intent to deceive, suppresses or refuses to disclose, or assists in the suppression or non-disclosure of, any material document or information,

any declaration or title obtained as a result of the making of the material false statement or representation, or the suppression or non-disclosure of the material document or information, shall be null and void, except as against a bona fide purchaser for valuable consideration without notice or a second or subsequent mortgagee in respect of that piece or parcel of land.

- (2) A person who swears, or assists in the making of, an affidavit in support of an application for declaration of possessory title, knowing the contents of the affidavit to be false, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or both.

[19] The fraudulent act was only discovered because Mr. Alleyne was contracted by the opposer to conduct the survey of the adjoining lands.

[20] This new revelation raises serious concerns as to whether other declarations of possessory title have been obtained under the same false pretext of a survey plan, which is a mandatory requirement for an application for possessory title. The court can only wonder as to the number of falsified survey plans which may have been presented over the years for applications for possessory title.

[21] The court has always been of the view that the Survey Department should assist in the verification of applications for possessory title and to ensure compliance with the Land Surveyors Act. The lack of verification will further escalate land and boundary disputes, as it is the evidence that surveys are not registered nor vetted by the state's department of Lands and Surveys.

[22] The action of Mr. Sparks Lewis further highlights the need to have a more effective land registration system, so that land occupation and ownership can be properly regularized. These fraudulent acts cannot be encouraged to be perpetuated, as it would further exacerbate rather than cure, the myriads of land problems in this jurisdiction.

[23] A Land Registration System to systematically document land ownership, whether by adverse possession or otherwise, to effectively provide a state guaranteed indefeasible registered title is a necessity. The system will provide clarity and makes it is easier to buy, sell or mortgage as buyers or lenders can easily verify the ownership and status of the property. The Land Registration System will safeguard land tenure, improve credit access, boost agricultural development and reduce disputes and property fraud in this jurisdiction.

Conclusion

[24] Although the applicant has presented evidence of possession, he has failed to satisfy the mandatory requirement of an authentic survey plan in accordance with section 6 of the Act. Accordingly, the claim stands dismissed.

[25] The court is of the view that Section 30 of the Act ought to be engaged. Mr. Andrew Alleyne and the applicant are at liberty to report the matter to office of the Director of Public Prosecutions. A transcript of the sworn evidence may also be obtained for that purpose.

ORDER

[26] It is ordered and directed as follows:

- i. The application for a declaration of possessory title not supported by a survey plan is accordingly dismissed.
- ii. Costs to the opposer, Spring Valley Co-Operation in the sum of \$5,500.00 to be paid by Sparks Lewis on or before the 15th March 2026.

Agnes Actie
High Court Judge

By the Court

Registrar