

Squatters win court battle to keep their land, homes

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A judgement delivered by the High Court last Friday has given Prime Minister Kamla Persad-Bissessar another legal victory in her defence of hundreds of squatters whose homes were destroyed by the Land Settlement Agency (LSA).

Justice Carol Gobin, in a 16-page judgement, agreed with Persad-Bissessar's argument that the LSA's move to destroy homes of squatters in 2008 was unlawful.

The ruling will now set the precedent in determining cases against the LSA that affect squatters. As a result, squatters will now be able to make claims against the LSA for trespassing and demolition of their homes. The judgement also means that squatters now have a level of protection, as the LSA can no longer move in and evict anyone who is squatting on State lands.

In 2008, Persad-Bissessar, while in Opposition and private legal practice, took up the plight of over 100 squatters who were living on lands formerly owned by Caroni 1975 Ltd in California, Central Trinidad.

In July 2008, some of squatters' homes were destroyed while others were served eviction notices as the LSA asserted it had the authority, under the PNM-led administration, to do so by way of a Cabinet note.

In her judgement, Justice Gobin made it clear that the LSA does not have any such right. Gobin also stated that it is the Commissioner of State Lands who has the responsibility of dealing with squatters and not the LSA.

She added, however, that the judgement does not give claimants the right to occupy the lands, but "simply decides that the LSA, in actually evicting some of them and in threatening to evict the remaining claimants, acted unlawfully, in that it purported to exercise a power it did not have".

Attorney General Anand Ramlogan said yesterday that Persad-Bissessar must be congratulated "for coming to the rescue of the hundreds of the dispossessed families when the government used brute force to evict them".

"She acted in the finest traditions of the Bar by providing legal representation to a section of our society that needed the protection of the law the most, but could afford it the least. Her criticism of the then government's actions were clearly justified and she has been vindicate