

1988 January 9

[DEMETRIADES, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

ELEFThERIA SOLOMOU PHILIPPOU,

Applicant,

v.

THE REPUBLIC OF CYPRUS, THROUGH
THE MINISTER OF INTERIOR AND/OR
THE DISTRICT OFFICER NICOSIA,

Respondents.

(Case No. 430/84).

*Judicial Control—Court cannot interfere with a decision of the administration,
if such decision was reasonably open to it.*

The facts of this case need not be summarized.

Recourse dismissed.

Costs against applicant. 5

Recourse.

Recourse against the condition imposed on the covering permit granted to applicant for a well dug by her without a permit to the effect that she will pump only 10 cubic meters of water per day.

A . Hadjiloannou, for the applicant. 10

*M. Florentzos, Senior Counsel of the Republic, for the re-
spondents.*

Cur. adv. vult.

DEMETRIADES J. read the following judgment. The applicant, who is owner of immovable property situated at Nikitari village, applied to the District Officer of Nicosia, who is the appropriate authority for issuing permits for the digging of wells, for a covering permit for a well that she had dug without permit. The District Officer, who is respondent in these proceedings, did grant the permit applied for by the applicant but imposed the following conditions:

(a) The dimensions of the well had to be 2.30 meters deep and 4 meters in diameter, and

(b) only 10 cubic meters of water per day were to be pumped from the well.

The applicant, feeling aggrieved by the conditions, imposed, filed the present recourse by means of which she prays for the annulment of the decision of the respondent. In particular, if I have correctly understood the complaint of the applicant as this is set out in the written address of her counsel, this turns against the second condition imposed by the respondent, that is that she can only pump 10 cubic meters of water per day.

This decision of the respondent was reached after he had considered (as it appears from the file of the administration which is exhibit No. 1 before me) the contents of a report prepared by a hydrologist of the Water Development Department of the Ministry of Agriculture and Natural Resources.

It has been repeatedly stated by this Court that there can be no interference with a decision taken by the administration if its decision is reasonably open to it.

In the present case, having regard to the information contained in the file of the administration and, in particular, the report of the

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hydrologist, photocopy of which is appended to my decision, I find that it was reasonably open to the respondent to reach the sub-judice decision.

In the result, the recourse is dismissed with costs.

Recourse dismissed with costs. 5