

Apex court rules for PKR MP in Felda suit

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The Federal Land Development Authority (Felda) today lost its RM200 million suit against Wangsa Maju MP Tan Kee Kwong after the Federal Court dismissed its appeal.

Tan, who is also PKR disciplinary board chief, thanked all those who had supported him.

"Praise God regarding my Felda case today as the Federal Court ruled in my favour. We will continue the fight for justice and a better government," he told Malaysiakini.

The five-member bench of the highest court in the land upheld the Kuala Lumpur High Court and Court of Appeal decisions earlier in dismissing the suit.

The decision today was made unanimously by the panel chaired by Chief Justice Arifin Zakaria.

The other judges on the five-member bench were Court of Appeal President Md Raus Sharif, Chief Judge of Malaya Zulkefli Ahmad Makinuddin and Federal Court judges Ahmad Ma'arop and Hasan Lah.

On March 7, Felda and Tan were granted leave (permission) to appeal in imposing two questions of law, namely for Felda as to whether a plaintiff could bring direct or indirect evidence for the purpose of establishing a prima facie case in a defamation suit.

The legal question posed by Tan was whether a public authority like Felda could maintain a defamation suit.

Tan was sued by Felda and Felda Global Ventures Holdings Bhd (FGV) for defamation for his comments published by the party mouthpiece, Suara Keadilan, over an article titled 'Kontroversi Bina Bangunan RM662 million' involving three individuals.

Tan was a former deputy land and cooperatives minister when he was with Gerakan and BN, when Felda came under the ministry portfolio.

He had criticised Felda's policies as being against the settlers' interests, including purchasing a plot of land and constructing its new headquarters near the Kuala Lumpur City Centre.

'Non-calling of reporter fatal'

Tan's lawyer Ho Kok Yew, when contacted by Malaysiakini, said the Federal Court also ruled the non-calling of the Suara Keadilan reporter by the plaintiffs as fatal and hence,

answered the question posed as negative.

Lawyers Firoz Hussein Ahmad Jamaluddin represented Felda and FGV.

The Court of Appeal in a 2-1 majority decision last year rejected FGV's appeal and upheld the decision of a Kuala Lumpur High Court to dismiss FGV's defamation suit against Tan.

The Court of Appeal found that Felda, as a government agency, could sue an individual and also found the report to be defamatory, but was not satisfied as to whether Tan had indeed uttered the words to Suara Keadilan.

On Aug 11, 2011, High Court judge Zabariah Mohd Yusof had ruled that while the article was defamatory, Felda had failed to prove that Tan made the remarks.

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