

HCLA 9/83

Beru

27 May 1988

Between:

Tettoa Tunna & Abera Teangauba Appellants

-VS-

Kabuta Teriba (deceased) Respondent

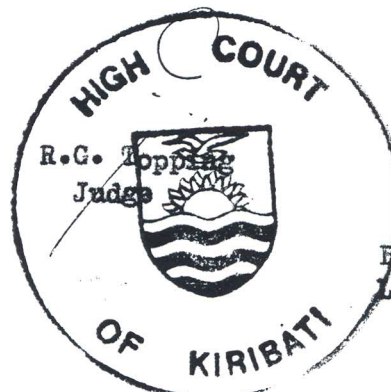
In case 38/77 the Magistrates Court (Lands) at Beru rejected a claim by Kabuta Teriba (now deceased) for reduction of the maneaba plot on the ground that the Beru Coop was now squatting on its plot. The application was opposed on the basis that the maneaba plot was for the whole village of Tabiang. The Co-op was built there at the suggestion of the whole village for the convenience of the general public. The Respondent was not satisfied and appealed to the Lands Court Appeal Panel who heard the case on 3rd November 1980.

The argument there raised by the appellants was that it would be wrong to reduce the size of the maneaba plot because circumstances might arise in the future when it would become necessary to expand the maneaba. It was agreed that no plans existed to do anything with the extra land at that stage. It was conceded by the appellants that the maneaba stood on 2 plots of the Respondents land for which no rent was paid.

The Court visited the site and in its judgement reduced the size of the maneaba plot and gave the excess back to the land owner. The present grounds of appeal are that as the population of Tabiang is now increasing the borders of the maneaba should not have been reduced.

We have inspected the site of the maneaba and we satisfied that there is sufficient space available for the maneaba on the site as reduced by the Lands Court Appeal Panel, and we confirm the decision of ^{the} ~~her~~ Court Appeal Panel and dismiss the appeal. The Magistrate should fix fresh boundary stones as the maneaba now is, and prepare a plan giving measurements.

Tokab
Toka Tibau
Land Magistrate



Beteroa
Betero Kaitangare
Land Magistrate