

IN THE HIGH COURT OF KIRIBATI
(BEFORE THE HON F MUHAMMAD C.J.)

HCLA 13/91

EREKITE KABIRI

VERSUS

CHIEF LANDS OFFICER

J U D G M E N T

This is an appeal against Bairiki Magistrates' Court Lands decision in case No. BA 10/91. The appellant asked the Magistrates' Court for compensation for 2 pits which had no plants but existed on the land belonging to him and leased to the Government.

It is agreed that these pits were never registered. If the appellant or his ancestors wanted to have any use of the land Government as leaseholders would have to permit such use. Whatever purpose for which these pits were dug did not have the approval of the Government. The appellant claims that he should have been compensated for the effort put in by his ancestors in digging up those pits.

In law whoever dug those pits was a trespasser and could not be rewarded for making the holes in the ground which the leaseholder had to fill. In fact he may be liable to the leaseholder to pay for restoring the land to its original position.

In our view the Magistrates were correct in rejecting the claim and we dismiss the appeal.

No order for costs.



THE HON F MUHAMMAD
CHIEF JUSTICE
(23/10/92)



TEKAIE TENANORA
MAGISTRATE
(23/10/92)



BETERO KAITANGARE
MAGISTRATE
(23/10/92)