

IN THE HIGH COURT OF KIRIBATI
LAND JURISDICTION
HELD AT BETIO
REPUBLIC OF KIRIBATI

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HIGH COURT LAND REVIEW 9 OF 2009

BETWEEN: ATTORNEY GENERAL IRO DIRECTOR
OF LANDS APPLICANT

AND: TENTAKU NAMWAKEI & OTHERS RESPONDENTS

FOR THE APPLICANT: MS TAAIRA TIMEON
FOR THE RESPONDENTS: MR MANTAIA KAONGOTAO

DATE OF HEARING: 23 OCTOBER 2009

JUDGMENT (EX TEMPORE)

In CN 84/75 Atanimoa Tekee and Tenna Tekee were granted title over the land Tetabo 815u/2. In CN 123/04 the respondents were given title over the same piece of land. The decision in CN 123/04 was quashed on 8 July 2009 in HCCC 146/08. The respondents therefore lost the title to the land which they had been given in CN 123/04. The true owners of the land are the issues of Atanimoa Tekee and Tenna Tekee.

The land is leased by the Government. To make clear to whom the land rent should be paid this application for review has been brought by the Attorney General in respect of the Director of Lands. It is to review the decision of the Magistrates' Court in CN 1054/08 that the rents be paid to the respondents. The decision in HCCC 146/08 results in the Magistrates' Court decision being in error. The rents should be paid to the Issues of Atanimoa and Tenna.

The application for review is granted and the decision in CN 1054/08 is quashed.


THE HON ROBIN MILLHOUSE QC
Chief Justice




BETERO KAITANGARE
Magistrate


RARATU IEITA
Magistrate