

**LAND APPEAL NO 1/94**

Between : Medang Baguga - Appellant

and

Nauru Land's Committee - Respondent

**HELD**

It is an elementary principle of natural justice that no one should sit in judgment upon his own cause. That Mr. Kepae should act as Chairman of the Lands Committee upon the hearing of his own application for this disputed land was a flagrant breach of his duties and responsibilities as an independent chairman. Appeal allowed.

Mr. David Aingimea for Appellant  
Mr. P. Nimes for Akeidu Kepae  
Mr. L. Adam for Nauru Lands Committee

BEFORE : DILLON J.

In this Supreme Court of Nauru  
(Land Jurisdiction)

Land Appeal No. 1/94

Between Medang Pappa  
Appellant  
and Nauru Lands Committee  
Respondent

Mr D. Aingimea for Appellant  
Mr P. Nimes for Akeidu Kepae  
Mr L. Adam for Nauru Lands Committee

Date of Hearing : 29 April, 1997

Date Judgement : 29 April, 1997

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Judgement of Dillon J

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In the Course of hearing this appeal Counsel for the Appellant raised the issue of Mr. Akeidu Kepae and his position as Chairman of the Nauru Lands Committee which made the decision in 1994 that is now the subject of this appeal. That decision confirmed the former owner as Eidabaraidid who was then deceased, but who was the mother of Mr Akeidu Kepae.

Further that the 1994 decision allocated the largest shareholding in this land to Mr Kepae.

It is an elementary principle of natural justice that no one should sit in judgement upon his own cause. That Mr Kepae should act as Chairman of the Lands Committee upon the hearing of his own application for this disputed land was a flagrant breach of his duties and responsibilities as an independent Chairman.

It was not necessary to consider the other grounds of appeal relating to the disputed classification of this land as either " coconut land " or " phosphate land ". Nor was it necessary to consider the Land Register Book No. 174 where this land is said to be called "Ijunora" but has now been changed "Iataeo". Those are issues which can be more appropriately dealt with by the Lands Committee upon a rehearing.

For the reasons I have stated this appeal must be allowed and the whole investigation into this claim be reheared de novo by the Lands Committee following public notice being gazetted.



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Dillon J