

HIGH COURT OF SOLOMON ISLANDS

Civil Jurisdiction

Civil Case No.382 of 2024

BETWEEN:	Solomon Islands Electricity Authority (Trading as Solomon Power)	Claimant
AND:	Steven Famae	First Defendant
AND:	Aposolom To'iana	Second Defendant
AND:	Delite Kiriau	Third Defendant
AND:	Isaiah Tengata	Fourth Defendant
AND:	John Ma'uni	Fifth Defendant
AND:	Joseph Mua	Sixth Defendant
AND:	Japhet Bulehite	Seventh Defendant
AND:	Chereen Mane	Eight Defendant
AND:	Vincent Ovia	Nineth Defendant
AND:	Mostyn Tarihomea	Tenth Defendant
AND:	Jason Baeya	Eleventh Defendant
AND:	Alfred Sare	Twelfth Defendant
AND:	Seventh Day Adventist Church Limited	Thirteenth Defendant
AND:	Attorney General (representing the Registrar of Titles)	Fourteenth Defendant

Date of Hearing: December 9 2025

Date of Ruling: February 4 2026

Mr Ake Poa for the Claimants

Mr Martin Haurii for the 1st-12th Defendant

Mr Nelson Laurere for the 13th Defendant

Mr Jordan Devesi for the 14th Defendant

Pitakaka PJ:

JUDGMENT

INTRODUCTION

1. This is a judgment after trial concerning the enforceability of a registered easement and the legal effect of alleged defects in the historical chain of title to registered land.
2. The Claimant, Solomon Islands Electricity Authority trading as Solomon Power (“Solomon Power”), seeks to enforce a registered easement over part of Perpetual Estate Parcel No. 192-007-417 (“the Easement Land”) and consequential relief against the 1st–12th Defendants, who remain in occupation of that land.
3. The Defendants do not assert any registered or lawful interest in the Easement Land. Their case is that the registered title of the 13th Defendant and the registered easement in favour of the Claimant are null and void *ab initio* because of alleged historical defects, fraud, and mistake.

MATERIAL FACTS

4. The Court records that the following material facts are agreed between the parties and are not in dispute:
 1. The Claimant is a state-owned enterprise responsible for the generation, transmission, and supply of electricity in Solomon Islands.
 2. Parcel No. 192-007-417 is registered as a Perpetual Estate in the name of the Seventh Day Adventist Church Limited (“SDA”).
 3. The original parcel, prior to subdivision, was Parcel No. 192-007-260. Following subdivision, the remainder parcel is 192-007-417.
 4. The Claimant requires access to the Easement Land for the purpose of constructing electricity transmission lines between Lunga Power Station and the Tina River Hydropower Development Project.
 5. The 1st–12th Defendants currently occupy parts of the Easement Land.

6. The 1st–12th Defendants claim a right to occupy the Easement Land based on their respective purchases of land from the Vavalumanata Ghaobata Aovia Tribal Association.
7. Despite repeated requests and notices, the Defendants have refused to vacate.
5. The claimant also say that:
 1. A Grant of Easement in favour of the Claimant was lawfully lodged and registered on 15 April 2021 and is recorded on the land register as an encumbrance affecting Parcel No. 192-007-417.
 2. The easement subsists notwithstanding subdivision and mutation and remains recorded against the current title.
 3. SDA has not granted any, consent, or registrable interest to the 1st–12th Defendants in respect of the Easement Land.
 4. The 1st–12th Defendants occupy parts of the Easement Land without the consent of either the registered proprietor (SDA) or the easement holder (the Claimant).

ISSUES FOR DETERMINATION

6. The issues for determination are:
 - (a) whether the easement is legally valid and enforceable;
 - (b) whether SDA holds lawful title to Parcel No. 192-007-417;
 - (c) whether the 1st–12th Defendants have any legal right to remain on the Easement Land; and
 - (d) what relief should be granted.

APPLICABLE RULES, LAWS AND LEGAL PRINCIPLES

Land registration and conclusiveness of the register

7. Land registration in Solomon Islands is governed by the Land and Titles Act [Cap. 133] (“LTA”).
8. By virtue of sections 109 and 110 of the LTA, the land register and the certificate of title issued under the Act are conclusive evidence of the estate or interest described therein, subject only to interests recorded on the register and the limited statutory exceptions expressly provided for under the Act.
9. Upon mutation or subdivision, earlier parcel numbers are cancelled by operation of law and replaced by new registered parcels pursuant to section 96 LTA. Cancelled parcels cease to exist for legal purposes.

Rectification, fraud and mistake

10. The statutory mechanism by which a registered title or interest may be displaced is rectification under section 229 LTA.

11. Section 229 LTA requires proof of:
 - (a) fraud or mistake;
 - (b) a causal link between that fraud or mistake and the registration; and
 - (c) where the registered proprietor acquired for value, must have knowledge of or contribution to the fraud or mistake¹.
12. Fraud must be distinctly pleaded and strictly proved².

Authorities on indefeasibility and rectification

13. The Land and Titles Act establishes a Torrens system of land registration, under which the register is intended to be conclusive and sufficient of itself.
13. In *Lever Solomon Ltd v Attorney-General*³, the Court of Appeal affirmed that the dominant feature of the Land and Titles Act is indefeasibility.
14. The Court of Appeal reiterated that principle in *SMM Solomon Ltd v Axiom KB Ltd*.⁴
15. In *Maneniaru v Attorney-General*⁵, the Court of Appeal held that where mistake is alleged under section 229, there must be a link between the mistake and the registration.
16. In *Eagon Pacific Plantation Ltd v Haro*⁶, the Court of Appeal held that rectification cannot be ordered unless the registered proprietor had knowledge of the fraud or mistake, or caused or substantially contributed to it.

Definition and proof of fraud

17. Fraud, for the purposes of section 229 LTA, bears its common-law meaning and is not established by inference, suspicion, or conclusory allegation.
18. In *R v Customary Land Appeal Court (Western) ex parte Pitakaka*⁷, the High Court adopted Lord Denning's definition of fraud as the use of false representations to obtain an unjust advantage.

¹ *Eagon Pacific Plantation Ltd v Haro*[2018] SBCA 12, SICOA-CAC 9047 of 2017 (11 May 2018), Goldsbrough P, Hansen JA, Young JA

² *Tikani v Motui* [2002] SBHC 10 ;HC-CC 029 of 2001 (18 March 2002), Palmer ACJ,

³[2013] SBCA 11, Williams JA, [Acting President], Sir Gordon Ward JA, Sir John Hansen

⁴ [2016] SBCA 1Civil Appeal 34.2014 (21 March 2016), Goldsbrough P, Ward JA, Wilson JA

⁵ [2013] SBCA 11; SICOA-CAC 39 of 2014 (9 October 2015), Goldsbrough P, Ward JA, Lunabek JA. See also *Billy v Daokalia* [1995] SBCA 5; CA-CAC 001 of 1995 (27 October 1995), Kirby P., Savage JA, Palmer JA

⁶ [2018] SBCA 12, SICOA-CAC 9047 of 2017 (11 May 2018), Goldsbrough P, Hansen JA, Young JA

⁷ [1985] SBHC 27; [1985–1986] SILR 69, Wood CJ

19. In *Tikani v Motui*⁸, the High Court adopted the formulation in *Derry v Peek (1889) 14 App Cas 337* that fraud is proved where a false representation is made knowingly, without belief in its truth, or recklessly careless whether it be true or false.
20. Ordinarily the Court is careful not to find fraud unless it is distinctly pleaded and proved. As stated by Denning LJ in *Lazarus Estates Ltd v Beasley*⁹, allegations of fraud require cogent proof commensurate with their seriousness.

EVIDENCE

Evidence relied upon by the Claimant

21. Mr Greg Manehugu, General Manager (Planning and Special Projects) of the Claimant, gave sworn evidence by way of an Amended Sworn Statement sworn on 24 October 2024, establishing the registration, subsistence, and necessity of the easement and the Defendants' obstruction of the easement corridor. No request was made to cross-examine Mr Manehugu. The Court accordingly admitted and accepted his evidence.
22. Mr Peter Buka Taisara, Property Manager of the Seventh Day Adventist Church Limited, gave sworn evidence by way of a Sworn Statement sworn on 12 March 2025, and an Amended Sworn Statement sworn on 25 October 2024, confirming SDA's registered title, the lawful grant of the easement, and the absence of any consent to the Defendants' occupation of the Easement Land. No request was made to cross-examine Mr Taisara. The Court accordingly admitted and accepted his evidence.
23. Mr Sholto Rodney Manebosa, Registrar of Titles, gave sworn evidence by way of a Sworn Statement sworn on 27 March 2025, confirming the registration history of the land, the operation of section 96 of the Land and Titles Act, the lawful registration of the easement, and the absence of any rectification under section 229 of the Act. No request was made to cross-examine Mr Manebosa. The Court accordingly admitted and accepted his evidence.

Evidence relied upon by the Defendants

24. The Defendants relied principally on the sworn evidence of Ms Relmah Ha'angana, a lawyer in the employ of the solicitor firm of the 1st -12th Defendant, by way of a Sworn Statement sworn on 7 April 2025, filed in support of the defence, which was derived from document searches and historical review.
25. In cross-examination, Ms Ha'angana accepted that she had no personal knowledge of the historical transactions alleged to vitiate title, that her conclusions were drawn from documents obtained from registry searches, and that she could not contradict the present land register or the existence of the registered easement.

⁸[2002] SBHC 10, Palmer ACJ

⁹[1956] 1 All ER 341

26. To the extent that Ms Ha'angana's evidence advanced legal argument or opinion, the Court accords it little probative weight.
27. The Court finds the evidence of the Claimant, the Seventh Day Adventist Church Limited, and the Registrar of Titles to be coherent, consistent, and mutually corroborative.

ANALYSIS

ISSUE (1): WHETHER THE EASEMENT IS LEGALLY VALID AND ENFORCEABLE

Position advanced by the 1st–12th Defendants

28. The 1st–12th Defendants submit that the easement claimed by the Claimant over Parcel No. 192-007-417 is null and void *ab initio*.
29. They argue that the Seventh Day Adventist Church Limited (SDA) never acquired lawful title to Parcel No. 192-007-417 because the historical chain of title is said to be fundamentally defective.
30. In particular, the Defendants contend that the original parcel, PE 192-007-8 of Lot 4 of LR 83/3, was transferred in 1980 to Solomon Islands Adventist Association Limited, an entity which they say either lacked legal personality at the relevant time or subsequently ceased to exist.
31. They further submit that another company of the same or similar name was registered in 2016, removed from the Company Haus, and later re-incorporated in 2020, such that any purported transfer of land between those entities was legally impossible.
32. On that footing, the Defendants submit that Solomon Islands Adventist Association Limited lacked capacity to hold or transfer land, and that any purported transfer to SDA was void.
33. They argue that all subsequent mutations, subdivisions, and registrations flowed from an invalid root of title and are therefore themselves invalid.
34. The Defendants submit that, because SDA allegedly acquired no lawful title, it could not lawfully grant an easement to the Claimant.
35. They further contend that fraud and mistake are established by the face of the registry records themselves, including company extracts and mutation instruments, therefore rectification under section 229 of the Land and Titles Act is unnecessary because, on their case, no valid title or easement ever came into existence.

Court's findings and analysis on Issue 1

36. The Court rejects the Defendants' submissions.
37. The Defendants' argument rests on the premise that alleged historical defects automatically deprive the land register of legal effect. That premise is inconsistent with the Torrens system established by the Land and Titles Act.
38. Registered easements are conclusive and enforceable unless and until displaced by rectification under section 229 of the Act.

39. Even taking the Defendants' factual assertions at their highest, they do not establish fraud or mistake within the meaning of section 229.
40. In particular, the Defendants have failed to establish the causal link required by section 229 LTA as observed in *Maneniaru v Attorney-General (supra)*.
41. Further, the Defendants have not pleaded or proved that SDA had knowledge of, or caused or substantially contributed to, any fraud or mistake.
42. The Defendants' reliance on company registry extracts and mutation histories does not advance their case.
43. As exposed in cross-examination, the Defendants' witness had no personal knowledge of any unlawful transaction and could not contradict the present land register or the existence of the registered easement.
44. The Court therefore finds that the easement registered in favour of the Claimant is legally valid and enforceable.

ISSUE (2): WHETHER SDA HOLDS LAWFUL TITLE TO PARCEL NO. 192-007-417

Position advanced by the 1st–12th Defendants

45. The Defendants submit that SDA does not hold lawful title to Parcel No. 192-007-417.
46. They argue that the original parcel was transferred through entities that allegedly lacked legal personality or capacity, and that the subsequent mutations and subdivisions are therefore tainted by illegality.
47. The Defendants submit that predecessor parcels demonstrate that the land could not lawfully vest in SDA, and that the present registration should therefore be treated as invalid.

Courts analysis and finding on Issue 2

48. The Court rejects that submission of the 1st-12th Defendant on this issue.
49. This is because by operation of section 96 of the Land and Titles Act, predecessor parcels cease to exist in law upon mutation or subdivision.
50. Sections 109 and 110 of the Act provide that the land register and certificate of title are conclusive evidence of title unless and until rectified under section 229.
51. SDA is recorded on the land register as the registered proprietor of Parcel No. 192-007-417.
52. Even if historical irregularities were assumed, the Defendants have failed to establish the statutory requirements for rectification under Section 229 LTA.
53. The sworn evidence of the Registrar of Titles confirming lawful registration and absence of error was not challenged in cross-examination and is accepted.
54. The Court therefore finds that SDA holds lawful and indefeasible title to Parcel No. 192-007-417.

ISSUE (3): WHETHER THE DEFENDANTS HAVE ANY LEGAL RIGHT TO REMAIN ON THE EASEMENT LAND

Position advanced by the 1st–12th Defendants

55. The 1st-12th Defendants submit that, because the easement and SDA's title are allegedly invalid, their occupation of the Easement Land is not unlawful.

Court's analysis and finding on Issue 3

56. The premise of the 1st-12th Defendants' argument has already been rejected in issues 1 and 2.

57. The easement is valid and enforceable, and SDA holds lawful title.

58. The Defendants hold no registered title, lease, licence, or consent authorising their occupation.

59. In the absence of any lawful authority, the Defendants' continued occupation constitutes unlawful interference with a registered easement.

ISSUE (4): What RELIEF should be granted

60. The court is of the view and finds that the Continued occupation of the 1st to 12th Defendants obstructs essential public electricity infrastructure works.

61. Damages are not an adequate remedy. Injunctive and possessory relief is warranted.

OVERALL CONCLUSION

62. Having considered the pleadings, the evidence, and the submissions of the parties, the Court concludes that the Claimant has established its case.

63. The easement registered in favour of the Claimant over Parcel No. 192-007-417 is valid, subsisting, and legally enforceable.

64. The Seventh Day Adventist Church Limited is the lawful and indefeasible registered proprietor of that parcel.

65. The Defendants have failed to establish any fraud or mistake within the meaning of section 229 of the Land and Titles Act.

66. The Defendants hold no legal right to remain on the Easement Land.

DISPOSITION AND ORDERS

67. Judgment is entered for the Claimant in the terms of the relief sought in the claim.

68. The Court orders that:

(1) The easement registered in favour of the Claimant over Parcel No. 192-007-417 is valid and enforceable.

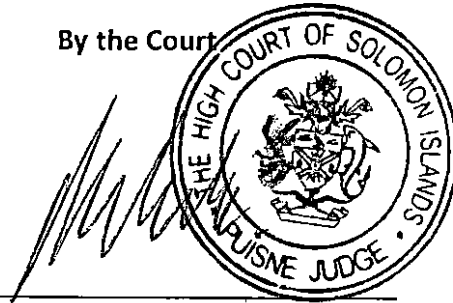
(2) The 1st–12th Defendants shall vacate and give vacant possession of the Easement Land Parcel No. 192-007-417 within 14 days of this order.

- (3) The 1st–12th Defendants are restrained by Permanent Injunction from re-entering or interfering with the Easement Land Parcel No. 192-007-417
- (4) Costs are awarded to the Claimant, to be assessed if not agreed.

Order Accordingly

DATED this 4th of February, 2026.

By the Court



Hon. Justice Michael Collin Pitakaka

Puisne Judge of the High Court