

IN THE EFATE ISLAND COURT
HELD AT PORT VILA

CIVIL CASE NO. 83/94

(CIVIL JURISDICTION)

Before the Efate Island Court sitting at Port Vila on 25th March 1994,

Between: NARU KALBEAU KALSAKAU of Ifira Tenuku Efate

PLAINTIFF

And: FAMILY BAKOKOTO, MR. STEVEN KALSAKAU
AND RAVE all of Ifira Tenuku Efate

DEFENDANTS

WHEREAS:

On the 18th March 1994 a complaint was laid before this Court under the Provision of section 13 (d) of the Island Courts Act No. 10 of 1983, that the defendants be restrained where appropriate the use or occupation of the land area situated at Tagabe area vila (marked "A" and attached hereto), a land area claimed by the plaintiff at the Efate Island Court and stands pending hearing.

The plaintiff claims he had been sent by the chief of Ifira Island to proceed with this particular land matter in the Efate Island Court. Upon reply the defendant Mr. Billy Bakokoto says this isn't a true statement. He informs that where a land dispute is concern it has to be brought before all the Customery levels before the Island Court. He read out in court a judgment made by the chief or chieives of Ifira which states that Family Bakokoto is the custom owner of the land area claimed by the plaintiff in the Efate Island Court.

The plaintiff wishes development on the said land area to cease progress until such time when the matter is resolved in the courts.

There was no mention of any particular plots in the named area sold to anyone, and that this area is outside the urban area of Port Vila. The court dismisses any claims made by the defendant of any compensation to be made if development ceased to progress.

By the powers conveyed by section 13 (d) of the Island Courts Act No. 10 of 1983 the Efate Island Court hereby make the following order.

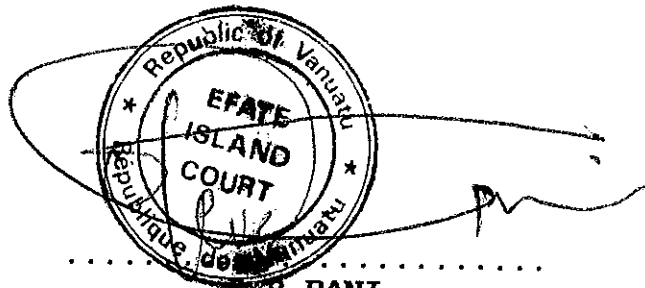
ORDER

1. That the defendants are restrained or prohibited to further develop or allow any development within the area named, marked "A" and attached hereto.

The order will commence on this 25th day of march 1994.

Any party who wishes to appeal against this order has 30 days from this day to do so.

Dated at Port Vila this 28th day of March 1994.



D. R. BANI
EFATE ISLAND COURT CLERK



EFATE ISLAND COURT

PRIVATE MAIL BAG 041
PORT VILA
TELEPHONE 23022

REF: _____

DATE: 11th May 1994

TO WHOM IT MAY CONCERN

Dear Sir

RE: ORDER RESTRAINING DEVELOPMENT AT TAGABE AREA.

On 25th March 1994 the Efate Island Court made an order restraining development in the area in which you are currently developing.

Be informed that the land matter and area (marked "A" and attached hereto with the judgment) had been brought before the Efate Island Court, and this matter is still pending hearing.

An order restraining development had been issued against family Bakokoto, Mr. Steven Kalsakau and Mr. Rave all of Ifira Efate and parties who claim to be the custom owners of that particular area. Be advised that it is not known yet (legally) who the custom owner is, and that this area is a part in the rural.

Until such time when the Efate Island Court deals with this matter you are ordered to cease progress in developing the area in which you are currently occupying. SHOULD YOU DECIDE TO CONTINUE WITH DEVELOPMENT PROGRESS WE WILL PERSONALLY CHARGE YOU WITH CONTEMPT OF A COURT ORDER.

Be advised that this order will remain effective until it is dealt with in the Efate Island Court.

Yours Faithfully

A handwritten signature in black ink, appearing to be 'Steve' followed by a flourish.

.....
CLERK, EFATE ISLAND COURT

