

IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Land Case No. 03 of 2001

BETWEEN: **Pastor Pierre Nikarah**
Original Claimant

AND: **Ifira Community**
Claimant No. 1

AND: **Michel Kalnawi Kalo**
Claimant No. 2

AND: **Family Sope**
Claimant No. 3

AND: **Family Lakelopoi**
Claimant No. 4

AND: **Family Lakelotawa**
Manawora
Claimant No. 5

AND: **Family Charley**
Kalopoki
Claimant No. 6

AND: **Family Barry Frank**
Claimant No. 7

AND: **Family Kaltoi Chichirua**
Claimant No. 8

AND: **Chief Nununaperikimal**
Claimant No. 9

AND: **Family Hendon**
Kalsakau
Claimant No. 10

Coram: Magistrate Jerry Boe
Justice Kalkot Kalotiti Mormor
Justice Anne Carlot

Date of Hearing: 16th March 2006
Date of Judgment: 20th March 2006

JUDGMENT

Sometime 18 December, 2001, the Island Court entertained some documents as presented by Pastor Pierre Nikarah. The Island Court clerk then registered it as file No. Land Case No.3 of 2001. This file was presented together with the other files on 11 February, 2003 hearing. During that hearing the Island Court was conducting a conference to find out whether parties who have pending cases in the Island Court would like to have their land cases transferred to the Lands Tribunal. This came about because section 5 of the Lands Tribunal Act allows parties to have their land dispute case transferred to the Lands Tribunal. To do that any person who is a party to the dispute must apply to the Court for the case to be transferred. The other party who is also party in dispute for the same land area must also agree to the transfer. The court then gives its consent by making an order for the land case to be transferred.

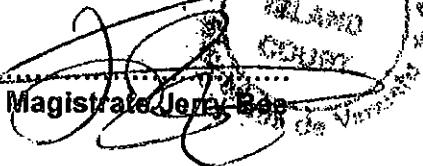
In the Pastor Pierre Nikarah case, a conference was conducted on 11 February, 2003. During that time all parties agreed to transfer the case to the Lands Tribunal. The court then made an order for the case to be transferred. Sometime last year 2005, the court was informed by the clerk that the transfer made on 11 November, 2003 has no legal effect on the grounds that the land case was registered after the Lands Tribunal was gazetted on 10 December, 2001. Upon perusal of the various documents placed in the file it was confirmed that the land case was registered after the Lands Tribunal Act became gazetted on 10 December, 2001. To avoid acting in breach of the main objectives of the Land Tribunal as set out in section 1 of the Act, this court has a duty to put right where the law has been over sighted.

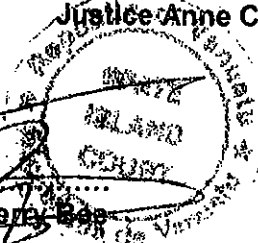
Subsequently, we make orders that Land Case No. 03 of 2001 be transferred to the Lands Tribunal for its hearing, with VT30.000 refund.

DATED at PORT VILA this, 20th DAY OF MARCH 2006.


.....
Justice Kalkot Kalotiti Mormor


.....
Justice Anne Carlot


.....
Magistrate Jerry Sae


The seal of the State of Vanuatu, featuring a central emblem with a palm tree and a bird, surrounded by the text 'STATE OF VANUATU' and 'INDEPENDENCE 30 JULY 1980'.