

IN THE PENTECOST ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Land Jurisdiction)

Land Case no.1 of 1996

IN THE MATTER OF THE ISLAND COURT ACT CAP 167
FOR A DECLARATION OF OWNERSHIP OF LEBO LAND

ENOCK BULEURU & FAMILY
Undisputed Claimant

Coram: Magistrate Edwin A Macreveth
Island Court Justice Basil Tabe Vanua
Island Court Justice Thomas Salai
Island Court Justice Asaiah Tabi

Clerk: Patrick George

Date of hearing: 5th of March, 2015

JUDGMENT/DECLARATION

Background

The land in dispute is registered before this court with the name "Lebo" through the Santo Malo Island Court in 1996. The disputed land was advertised on the 20th of June, 1997. No parties challenged the claim by way of filing a counter claim and the matter qualified to be given a proper ownership declaration as mandated by law. However, such exercise could not be done as expected for unknown administrative reasons.

While awaiting justice to be done for the claimant, and in the interest of the public a second advertisement was done on the 29th of November, 2004 this time by the Efate Island Court. Still, no party came forth disputing the land. Given the long delay, a court convened after expiration of the publicity and a judgment was issued in favour of the original claimant. A written judgment was then prepared and dispatched to Pentecost seeking for the island court justices signatures in order to bring such court document to its finality. However, such process was never settled as the said document went missing on its route. As result, the matter then remained uncompleted leaving this court to re compose and run the whole process over again under a different court composition.

The Court sat at Lavatgaivelu village on 5th of March , 2015 and after having verified the file and its content , it is re confirmed that the original claimant's case continues to remain undisputed.

The advertised land

The land in dispute is situated at the eastern central part of the island of Pentecost. Lebo land boundaries is described as follows.

The land marks on the eastern side commences at a white wood tree by the public road and connecting on with another four white wood trees unto a bamboo patch. From there, it passes two other white wood trees, a rock and another bamboo patch and extending on to another rock on the west. It then turns north east wards to a bamboo patch, a namele palm joining on to four white wood and follows another namele palm to a navele nut tree. It then turns east wards in line with a coconut palm and back to the main road marked by a banian tree standing on the side of the public road. Its borders at the eastern side is bounded by the public road rounding up at its original boundary limit.

Refer to the declared sketch map attached herein for better specifications.

The undisputed facts in brief

Mr Enock Buleuru, the claimant in his presentation, led evidence that the land of Lebo has been in control and owned by his forefathers since time immemorial. His ancestral chief Sarial has created a nasara on the land. He believes that his family is the customary owner of the land. Despite several calls for a meeting with other interested parties regarding its ownership, none had challenged his claim to date since 1996. A family diagram is provided tracing his early generations to the present.

Witness, George Boala testified that the land of Lebo rightly belongs to Sailas Buleuru, father of the original claimant and his descendants. He explains that the claimant's ancestors have occupied and controlled the land from time immemorial to date. There is a nasara on the land founded by the claimant's ancestor.

The court paid a visit to the land and found the area and boundaries as described with evidence of a nasara there on the land.

DECLARATION

Having heard the claimant and his witness on the rule of custom forming the basis of land ownership and pursuant to the Island Court Civil Procedure Rules (Amendment) Rules no 1 of 1993, under the Amendment of Order 6 Rule 11, IT IS HEREBY this day declared as follows;

1. That Enock Buleuru and his descendants are the customary owners of the land of Lebo as claimed accordingly.
2. That this judgment be advertised in the manner prescribed in rule 8 for a period of 60 days with costs of advertisement to the declared owners. If no appeal is lodged after 60 days from the delivery of this declaration the presiding Magistrate will then send the judgment to be registered at the lands Records Office and at the Supreme Court Registry.

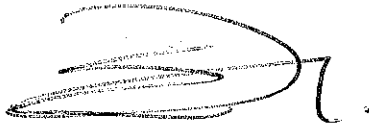
It is reminded that this declaration does not also affect other property rights on the land, such as rights of local occupants to make garden and other existing development thereon the declared land.

However, all occupants or dwellers of the declared land must bear in mind that these rights may be waived or varied at the discretion of the owners. The exercise of these rights is limited to existing properties prior to this declaration. It is further directed that that any person currently in use of the land undertake to cause appropriate arrangements with the declared owners to accommodate their continuous use of the land.

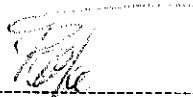
Attached to this decision is a copy of the declared land boundaries .

Date at Lavatgaivelu this 06th day of March, 2015

BY THE COURT



Edwin Macreveth
Presiding Senior Magistrate



Island Court Justice Basil Tabe Vanua



Island Court Justice Thomas Salai



Island Court Justice Isaiah Tabi