

IN THE ISLAND COURT (LAND) OF
THE REPUBLIC OF VANUATU –
Isangel, Tanna
(Custom Land Jurisdiction)

Case No. 24/1839 IC/CUST

IN THE MATTER OF: Section 45 of Custom Land
Management Act No. 33 of 2013

AND IN THE MATTER OF: Sura & Iafatu Custom Land, Aniwa,
TAFEA Province, Vanuatu

AND IN THE MATTER OF: A decision of Imasa & Ikaukau
Nakamal, dated 22 & 23 April 2021

BETWEEN: Family Tatuna Totowa
(Represented by Charley David Mandavah)
Tanna

Applicant

AND: Imasa & Ikaukau Nakamal
Aniwa
TAFEA Province
Vanuatu

First Respondent

AND: Family Kappa
Family Taseru
Family Wani
Family Situ
Family Rafou
Family Mangapen
Family Seirangrang
Family Tavou
Family Samoria
Family Waiwai
Family Ture
Aniwa

Second Respondent

AND: Family Poida
Family Matu
Family Yawila
Family Saloweï

Third Respondent

Coram:

Senior Magistrate B. Kanas Joshua, Chairlady

Justice Tipalo Ianavir

Justice William Loumai

Justice Jocelyn Namaka Usua

Justice Benjamin Kuao

Justice Sam Naiu (Observer)

Ms Collyne Tete Maki (Registrar)



*Counsels:**No appearance for the Applicant**Mr L. Huri, for 1st Respondent**Mr D. Yawha, for 2nd and 3rd Respondents***MINUTE & ORDER**

1. There was no appearance for the Applicant. Mr Lennon Huri appeared for the first respondent, and Mr Daniel Yawha appeared for the second respondent.
2. The applicant is represented by Mr Andrew Bal. Mr Bal informed the Court by correspondence that he is involved in another matter in the Supreme Court in Santo so he will not be able to attend the Island Court (Land) session in Tanna. He sought an adjournment which Mr Yawha did not object to.
3. Mr Yawha informed the Court that they had filed an Application for Strike Out on 05/7/24. However, on 17/6/24, the Applicant filed an Application for Leave to file Application for Review out of time.
4. The Court informed the parties to file their responses to the respective applications and the Court will hear the application that was filed first.

5. The contents in the court file are as follows:

Applicant	<ul style="list-style-type: none"> - Application for Review - Application for leave to file Application for Review and Application for Review of Decision of Nakamal - Sworn Statement of Charley David Mandavah
Second respondent	<ul style="list-style-type: none"> - Application to Strike Out - Sworn Statement of Joe Ture in response to David Mandavah

6. The court file contains copies of the Application for Review, which should be dispatched to the respondents. As seen in the contents above, there is no response from the first respondent.

Direction Order

THE COURT hereby makes the following direction orders:

- a) That the first respondent is given 14 days to file a response and have it served on all parties before next court date.
- b) That the second respondent is given 14 days to file a response to the Application for leave to file out of time and have it served on all parties before next court date.
- c) That the matter is adjourned to **the next session** of Island Court (Land) on Tanna, for hearing of the Application for leave to file Application for Review out of time.



Dated in Isangel, Tanna, on this 17th day of July, 2024

BY THE COURT


.....
B. Kanas Joshua (SM)
CHAIRLADY


.....
Justice Tipalo Ianavir


.....
Justice William Loumai


.....
Justice Jocelyn Namaka Usua




.....
Justice Benjamin Kuao