

**IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(LAND DIVISION)**

Application No. 4/2007

IN THE MATTER of Section 390A of the Cook Islands Act 1915 and Sections 129 and 129A of the Property Law Act 1952

AND

IN THE MATTER of the land known as **POKOINU SECTION 107H, AVARUA**

AND

IN THE MATTER of an Order Granting Right of Occupation to **TAI KOKAUA** made on 12 February 2004

AND

IN THE MATTER of an Order Granting Right of Occupation to **NOOROA KOKAUA** made on 24 February 2004

Applicant

AND

IN THE MATTER of an application by **HENRY BROWN** for and on behalf of the Aitu family to rehear the said Occupation Rights Respondent

AND

MINISTRY OF WORKS (SURVEY DEPARTMENT)

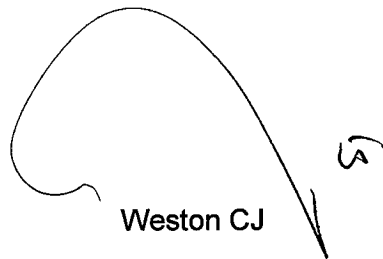
Third Party

JUDGMENT OF THE COURT

- [1] This application was filed by Mr Brown on 27 September 2007. On 9 November 2007 the matter was referred to the Land Division of the Court for inquiry and report.
- [2] Hingston J has considered the matter and, in a report dated 12 July 2012, recommended that both occupation rights as referred to in the intituling should be cancelled.

- [3] It appears from the Judge's report that all relevant parties have been consulted. Inquiries that I have made with the Court staff confirm that position.
- [4] Accordingly, I cancel the two occupation rights. I assume that counsel will be able to agree the terms of the Order. If that assumption is incorrect then a draft should be submitted to me together with any submissions recording points of disagreement.
- [5] There is no present suggestion that I need to make an Order for costs. I reserve leave to the parties should anyone seek such an order.

Dated 19 July 2012 (NZT)

A handwritten signature in black ink, consisting of a large, sweeping loop that ends in a downward stroke. To the right of the signature is a small, handwritten mark that resembles the number '5' or a similar symbol.

Weston CJ