



HIGH COURT OF KIRIBATI

Land Appeal No 5/2017

**NAWAIA BWEBWENTEKAI
and others**

Appellants

v

**SUSAN REUE
and others**

Respondents

*Elsie Karakaua for the appellants
Tabibiri Tentau for the respondent*

Date of order: 5 April 2019

ORDER

- [1] By notice dated 13 February 2017, the appellants have appealed against the decision of Single Magistrate Taibo Tebaobao in case BD173/14, delivered on 31 October 2016. The case concerns the determination of the mutual boundary between Teabanimate 779i and Tabweao 780a in Teoraereke, South Tarawa.
- [2] It is accepted by both parties that the authoritative statement as to the mutual boundary was made by Single Magistrate Nakau Moote on 22 September 2011 in case BD124/10. A copy of the Single Magistrate's decision is attached to this order. The decision endorsed the boundary depicted in a plan prepared in 1975 from when the plots were leased for a water reserve.
- [3] Litigation concerning the determination of this boundary has been ongoing for many years. In the interests of bringing this dispute to an end, the Court orders the following:
 - a. the Director, Land Management Division of the Ministry of Environment, Lands and Agricultural Development must arrange for a qualified surveyor to go to the site and plant survey pegs, spaced regularly from lagoon to ocean along the boundary between Teabanimate 779i and Tabweao 780a (relying on the 1975 survey prepared for the water reserve leases, as endorsed in case BD124/10);

- b. the surveyor must then prepare a site plan, showing the boundary between the 2 plots and depicting all buildings and other improvements on the plots;
- c. the Commissioner of Police is to assist the activity by providing such officers as may be necessary to maintain peace and good order while the surveyor is on site;
- d. no person is to interfere with the work of the surveyor, or to remove any survey peg planted by the surveyor.

[4] The survey pegs are to be planted and the site plan completed and delivered to the High Court no later than 4:00pm on 17 April 2019. If it is not possible to comply fully with the above directions, the Director is to provide a written report to the Court by that deadline, setting out the reasons why the directions cannot be complied with.


Lambourne J
Judge

