

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Judicial Review Case No. 04 of 2012

**BETWEEN: CHIEF JOSEPH RIRI, MATHEW NDAI,
EDWARD SUMBE, TOM TAFTI AND
BARNABAS VURO**

Claimants

AND: SANTO ISLAND LAND TRIBUNAL

First Defendant

**AND: HAJUJU SOKOVATU, MOLVARA, TOM
RASU, KAURI AND TELES**

Second Defendants

AND: NELSON SESE AND SILAS SESE

Third Defendants

AND: TOM JOE BOTLENG AND JOEL BOELULU

Interested Party

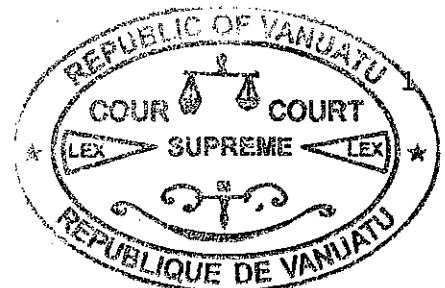
Coram: *Mr. Justice Oliver A. Saksak*

Counsel/Parties: *Mr. Felix Laumae for the Claimants
Ms. Christine Lahua for First and Second Defendants
Nelson Sese, Third Defendant in person
No appearance by Interested Party*

Date of Hearing and Oral Decision: 16th October 2013

ORAL DECISION


Upon hearing Mr. Laumae and Ms. Lahua and Mr. Sese in response, the Court decides and orders that –



1. The judicial review application by the Claimants be allowed and judgment be entered in their favour.
2. The judgment of the Tabwemasana Joint Aore/Malo Island Land Tribunal dated 18th June 2012 and endorsed on 16th June 2012 and received by the Lands Tribunal Office on 23rd July 2012 together with the Decision contained in the Record of Proceedings dated 7th June 2012 be hereby brought up and quashed as a nullity and of no legal effect.
3. The extended decisions of the First and Second Defendants dated 1st January and 13th February 2013 be hereby brought up and quashed as a nullity and of no legal effect.
4. The Claimant's appeal be returned to the Island Land Tribunal to be reconstituted under Section 23 (1), (2), (3) and (4) of the Customary Lands Tribunal Act No. 7 of 2001 (the Act).
5. The Claimants be entitled to their costs against the Third Defendants on the standard basis as agreed or be taxed by the Court.
6. Reasons to be published by the Court.

DATED at Luganville this 16th day of October 2013.

BY THE COURT


OLIVER A. SAKSAK
Judge

