

In the Supreme Court
(Civil Jurisdiction)

Civil Action No. 4/2010

Between:	Douglas Audoa	Applicant
And:	Beneficiaries of Detsimea J.Audoa Estate	1 st Respondents
And:	Nauru Lands Committee	2 nd Respondents

Mr. Rueben Kun for the Applicant

Mr. Pres Nimes Ekwona for the 1st Respondents

Mr. David Aingimea for the 2nd Respondents

Date of Hearing: Wednesday 20th of May 2010

DECISION

These Reasons should be read in conjunction with the Reasons in Land Appeal 3/2009, Lydiana Adun and Others and the Nauru Lands Committee.

On the 18th of March the Registrar gave leave to the Applicant to issue a Writ of Mandamus directing the Nauru Lands Committee to publish a correction of a mistake it is said to have made in 1985.

The leave is based on the statement of Mr. Douglas Audoa. So far no Writ has been issued.

The Application has come before the Court. A mistake, if any, was made in 1985 – about twenty-five years ago. Apart from any other consideration it is now far too late to change what was done then. The principal of certainty of title applies: after so long those who are registered as owners are entitled to assume their titles are indefeasible.

The proper course of action would have been to appeal in 1985 from the decision of the Nauru Lands Committee. That Appeal, in accordance with section 7(1) of the Nauru Lands Committee Ordinance should have been instituted within 21 days.

It was not and that is the end of the matter. The Leave granted by the Registrar to the Applicant to issue a Writ of Mandamus should be revoked.

Mr. Rueben Kun is the Pleader for the Applicant. Mr. Kun is unfortunately Off Island for medical treatment. Out of deference to him liberty is given to the Applicant to apply within the next three months.

In the meantime, any Interlocutory Injunction remains in force. Otherwise the Application stands refused and the Order for any Interlocutory Injunction quashed.

Hon. Robin Millhouse QC

CHIEF JUSTICE