

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Land Appellate Jurisdiction)



Land Appeal Case No.05 of 2009

IN THE MATTER OF: SANDLENG PLANTATION LAND

AND:

IN THE MATTER OF: THE DECISION OF THE PENTECOST ISLAND
COURT IN LAND CASE No. 01 OF 1995

BETWEEN: LEON ENOCK and FAMILY
Appellant

AND: JOHN MARK MELTEN and FAMILY
First Respondent

AND: MORRIS TABIMAL and FAMILY
Second Respondent

AND: DOMINIQUE TEMABU and FAMILY
Third Respondent

Coram: Judge D. V. Fatiaki sitting with Island Court justices
Abel Bebe and Pastor Basil Tabe Vanua

Counsels: Appellant in person
Mr. B. Yosef for the First Respondent
Mrs. Mary Grace Nari for the Second and Third Respondents


DECISION

Having considered the appeal papers and the Pentecost Island Court decision and after hearing the submissions of all parties in this appeal, the court after careful deliberation and with the consent and agreement of the parties orders:

1. By consent the appeal is allowed and the decision of the Pentecost Island Court dated 15 July 2009 is quashed in its entirety and its declaration is hereby set aside;
2. Liberty is granted to all parties to recommence and start fresh claims under the **Land Management Act 2014** in respect of any and each custom land comprised within Sandleng Plantation Land and each custom boundary as they consider appropriate and as advised;
3. The court will publish fuller written reasons in due course;
4. There will be no order as to costs.

DATED at Waterfall, Pentecost, this 25th day of September, 2014.

BY THE COURT


D. V. FATIAKI
Judge.


Justice Abel Bebe


Justice Basil Tabe Vanua

