

IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU

Judicial Review  
Case No. 1268 of 2017

**BETWEEN:** Attorney General  
Claimant

**AND:** Minister of Lands  
First Defendant

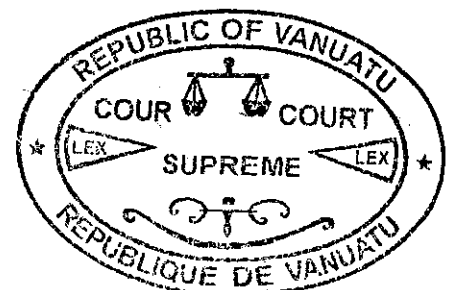
Philip Koroka, Elkem Tougen, Dominique William, George Shem, Rocky Adams, Marie Livo, Julie Andrews, Harold Moli, Alistair Arthur, Tonny Kanas, Gordon Willy, Richard Dick, Jay Hingue, Pauline Rii, Billy George, Martin Sokomanu, Rodson Aru, Stanley David, Josiane Shing, Caroline Asial, Seraphine Malia, Samu William, Violet Aki, Jill Tasale, Alice Kenely, Josiah Bong, William Kara, Flory Tasso, Joseph Namariau, Loloine Tete, Katua Rezel, Peter George, Daniel Tabi, Louise Feima, Isaac Nango, Linette Beru, Winnie Tete, Johnson Simon Takau, Esther Manvarimb, Amos Kalo Tari, Godwin Bani, Jimmy Pierre, Josiana Jackson, Darell Tangalobani, Cynthia Saul, Rosa Tasso, Madeleine Mark, Ken Malalo, Madeleine Mark, Ken Malalo, Darren Fatu and Jean Claude Willie

Second Defendants

Joe Ligo, Peter Pata, Benuel Tabi, Willie Kalo, Thomas Malvanu, Celestine Delaveau, Joe Kelison Joes, Rachel Poki, Viviane Wilfred, Josephine Antas, Gwen Wells, Jean Marc Pierre, George Kerby, and Biman Rezel

Third Defendants

*Date:* Tuesday, 7 August 2018  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Mr H. Tabi for the Claimant  
No Appearance by or for the First Defendant



Mr D Loughman for the Second Defendants (absent)

No Appearance for the Third Defendants

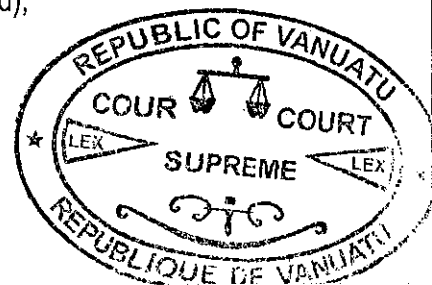
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## JUDGMENT

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1. The first defendant, whilst still in office as Minister of Lands, on 3 August 2012, instructed the then Acting Director of Lands to find available state land and allocate it to members of his staff at half the usual premium and on certain other advantageous terms. On 7 April 2017 the Court of Appeal confirmed that decision to be *ultra vires*. Hence the application for Judicial Review of the decision by the Attorney General.
2. The Attorney General now seeks judgment by default against the third defendants, two of whom have filed statements effectively conceding the claim, and the remainder of whom have taken no steps whatsoever to defend the matter.
3. I note that the first defendant has accepted his error in documents filed by him.
4. In all the circumstances I am satisfied the application must be granted. Accordingly, pursuant to section 99 of the Land Leases Act [Cap 163] the following leases are cancelled and/or removed from the Department of Land's records:

- R03/OG84/004 - allocated to Joe Ligo (not registered);
- 11/OD32/071 - allocated to Joe Ligo (not registered);
- 03/OJ84/008 - allocated to Bennuel Tabi (not registered);
- 03/OJ84/014 - allocated to Thomas Malvanu (not registered);
- 03/OJ84/016 - allocated to Celestine Delaveau (not registered);
- 03/OJ84/018 - allocated to Joe Kelison Joes (not registered);
- 03/OJ84/030 - allocated to Josephine Antas (not registered);
- 03/OJ84/031 - allocated to Gwen Wells (not registered);
- 03/OJ83/075 - allocated to Jean Marc Pierre (not registered);
- 03/OJ83/062 - allocated to George Kerby (not registered);
- 11/OE34/044 - allocated to Bima Rezel (not registered);



- 03/OJ84/027 - allocated to Rachel Poki (not registered); and
- 03/OJ84/028 - allocated to Viviane Wilfred (not registered).

5. There is no order made as against the defendant Peter Pata, as he should be included in the group defined as the second defendant.
6. The Claimant is entitled to costs, which I set at a total of VT 65,000 to be divided equally between all the 13 third defendants (VT 5,000 each).

**Dated at Port Vila this 7th day of August 2018  
BY THE COURT**

*Gardner Uilo*  
Justice G.A. Andrée Wiltens \*

