

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**

*(Civil Jurisdiction)*

**Judicial Review**

**Case No. 16/1830 SC/JUDR**

**BETWEEN: ABEL VINBEL HAPIHAPAT**

Claimant

**AND: ALICTA VUTIKWIRINAVANUA**

First Defendant

**AND: REPUBLIC OF VANUATU**

Second Defendant

**Coram: Justice Mary Sey**

**Counsel: Mr. Brian Livo for the Claimant**

**Ms. Jelinda Toa for the Defendant**

**Date of Decision: 17 October 2016**

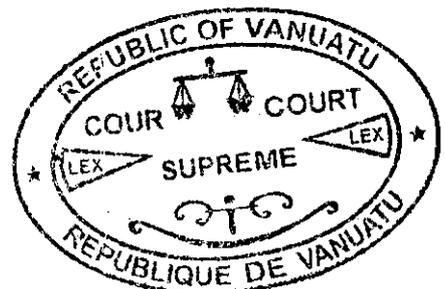
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**RULING**

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This case concerns the refusal of the National Coordinator of Land Dispute Management to grant the Claimant a Certificate of Registered Interest in land in respect of land located within the Ameliah Customary boundary and Alahamo customary land boundary.

The Claimant's application is for judicial review to quash the refusal decision of 27<sup>th</sup> April 2016 given by the First Defendant in his capacity as the National Coordinator of Land Dispute Management. The application is opposed.



Upon Reading the papers filed and having heard and considered the submissions of counsel, I reject the submissions of defence counsel and hereby make the following **quashing and mandatory Orders**:

1. The National Coordinator's refusal decision of 27<sup>th</sup> April 2016 to grant the Claimant a Certificate of Registered Interest in land in respect of land located within the Ameliah customary boundary and Alahamo customary land boundary is hereby quashed.
2. The National Coordinator is hereby ordered within 14 days from today to issue to the Claimant a Certificate of Registered Interest in respect of land located within the Ameliah customary boundary and Alahamo customary land boundary as declared by the Nakamal meeting of 10 March 2016 at Leviamp 1 Village.
3. Section 19 (2) of the Custom Land Management Act provides an avenue for challenging an improperly recorded interest in land.
4. The Claimant is awarded standard costs to be taxed by the Master if not agreed.

**DATED at Port Vila this 17th day of October, 2016**

**BY THE COURT**



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**M. M. SEY**

**Judge**

