

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
(Civil jurisdiction)

Civil  
Case No. 19/1395 SC/CIVIL

**BETWEEN:** Jean Toa  
Claimant

**AND:** Family Japeth  
First Defendant  
Family Uies  
Second Defendant

*Date:* 24 February 2021  
*Before:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr J. Tari for the Claimant  
No appearance by of for the First Defendant  
Mr L. Tevi for the Second Defendant

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Judgment

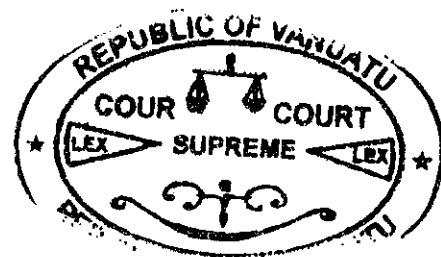
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A. Introduction

1. This was a Claim seeking eviction from custom lands by the declared custom owner, and the restriction of certain development and sales activities.

B. The First Defendant

2. Since the Claim was served on the First Defendant, there has been no response whatever.
3. I accept the sworn statement of Jean Toa as reliable evidence. I accept she represents her family, the declared custom owners of Valankara.



4. I accept the allegation that Family Japeth is occupying and developing Valankara land. I accept further that Family Japeth has no authority to do so, and is not entitled to be there or deal with the land in any way.
5. Accordingly, Family Japeth, their families, relatives, agents and employees are to vacate Valankara within 2 months from the date of service of this judgment. They are to forthwith cease all development of the land.

C. The Second Defendant

6. It is uncontested by the Second Defendant that the Claimant is the declared custom owner of land known as Valankara on Espiritu Santo.
7. Family Ules asserts it occupies some 44 hectares of that land, by way of a gift by the late father of the Claimant. That is uncontested by the Claimant.
8. Accordingly, the Claim against the second Defendant fails. Family Ules has secondary rights over the 44 hectares, and is entitled to occupy and develop that land.
9. However, as secondary rights holders only, Family Ules is not entitled to sell any of the land.

D. Costs

10. Costs were not sought by Mr Tari or Mr Tevi. Accordingly each party must bear their own costs in this matter.

Dated at Port Vila this 24th day of February 2021  
BY THE COURT

