

IN THE HIGH COURT OF THE COOK ISLANDS  
HELD AT RAROTONGA  
( Land Division )

NO: 350/98

**IN THE MATTER OF Section 390A Cook Islands Act 1915**

**AND**

**IN THE MATTER OF AREMANGO SECTION 7B1B,  
NGATANGIIA**

**BETWEEN                   TEREMOANA PAPEERA  
                                  HOSKING**

**APPLICANT**

**AND                         RAURA LIND AND DEREK LIND**

**RESPONDENTS**

Mrs Browne for Applicant  
Mr Mitchell for Respondents

**JUDGMENT OF GREIG CJ**

**DATED THE 6<sup>th</sup> DAY OF ~~SEPTEMBER~~ <sup>October</sup> 2003.**

1. The Applicant applies to cancel the Occupation Right granted to the Respondents on 6 May 1981. The Application was referred to Norman Smith J for hearing and report. His Honour's report dated 4 September 2003 has now been remitted to me for consideration and decision.
2. It has been agreed between the parties that the grant in question was made in error and they have entered into a joint consent memorandum which has been filed in Court.
3. In accordance with that consent and agreement I make orders that:
  - (a) The original Occupation Order made in favour of the respondents on 6 May 1981 be cancelled

- (b) An Occupation Right be granted to Raura Lind of an area of 507 square metres of the said land edged red on the plan produced. The Occupation Right to be for residential purposes with the usual terms applying.
- (c) Directing that the balance of the land comprising 547 square metres and edged green on the said plan be left for determination by the Papers family as to who is to occupy the land.
- (d) No order as to costs.
- (e) The Registrar to make all such entries as may be necessary in the records of the Court.

Handwritten signature or initials, possibly "L. M. C. J.", with a checkmark below it.