

In the Western Customary Land
Appeal Court

CLAC no.33/03

In the Matter of: Timber rights Appeal on Mamaka Land

Between: Graham Eli (Appellant)

Robertson Polosokia & Others (Respondents)



RULING

The Appellant Mr. Graham Eli is not present in court or has failed to attend this court. Notice to the parties was made by way of service message on the SIBC on two separate days about three weeks ago or so.

In the notice the parties were advised that failure to attend the hearing on the date stated herein in person may result to a judgment or order made in their absence.

The court is satisfied that the appellant has failed to attend this court and will proceed to determine case in his absence.

The respondent submitted that the appellant did not attend the timber right hearing, neither made representation nor objection. And the appellant's grounds of the appeal only concerned the consent by the Commissioner of Forest and ownership issues. The ownership issue cannot be determined by CLAC/W on the timber right appeal.

Looking through the minute of the Choisuel Provincial Executive Committee hearing, there is no record to indicate that the appellant had attended the hearing nor made any representations or objections.

With the appeal points on the consent issue, it is not a matter of this court. And the Mamaka land ownership issue cannot be determine by this court through the appeal on timber right.

Therefore the appellant has no case to bring before this court.

Order

1. Appellant lack Locus Standi/standing,
2. All Appeal Grounds dismissed
3. No award on cost

1.	David Laena	Ag President <i>Daena</i>
2.	Wilson Katovai	Member <i>W</i>
3.	Joseph Liva	" <i>Liva</i>
4.	Wellington Lioso	" <i>Lioso</i>
5.	Maina LR.	P/Magistrate/Clerk <i>LR</i>

Dated: 4th May 2005

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