

Land Appellant Jurisdiction:

In the Matter of: **Sesebu Land Timber Right Appeal**

Between: Havea Majoria (2nd Appellants)
Samson Saga

And: Michael Tokuru (Respondents)
Pikukan Varave + 5 others

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Judgment
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The Western Provincial Executive sat and hear an application for timber right on Sesebu Customary Land. The Form II Public Notice of their determination was dated 30th June 2004

From that determination of persons to grant right on Sesebu Land the Appellants and Michael Tokuru submit their appeal to WCLAC later for some reason only known to them they separated and again filed separate grounds of appeal before WCLAC. Mr. Michael Tokuru becomes the First Appellant and Havea Majoria and Samson Saga Second Appellants. Mr. Michael Tokuru and others have entered Consent judgment with the Respondents and now become Respondents in Mr. Havea Majoria and Samson Sagas' appeal.

Grounds of Appeal:

The appeal points are as follows:

1. That the manner in which the Public Notice was published was unfair, Unjust and a breach to our right to be heard in a court of law. For your information, although the public notice was supposedly approved on the 30th of June 2004, it was not put up for public viewing until three weeks whereby a copy of the public notice was put in front of Ozangakiki store in Niniveh village on the 24th of July 2004.
2. That we were not given sufficient time to fully prepare and submit an appeal to the CLAC. The fact that the notice was put up for us, aggrieved parties, a week before the required time period to appeal lapses, is in itself very unfair. As granted under the law, we should have been given sufficient or reasonable

time to adequately compile and make proper submissions to the Customary Land Appeal Court.

Notice of Hearing before WCLAC

The notice of hearing to both parties was send by way of Service message through Radio Hapi Ilse. The message was broadcasted on 19th and 20th November 2011 both in pidgin and English. Appellant's party failed to turn up in this hearing. Only the Respondent did attend. Mr. Wyne Kolo who resides in Marovo also attends this hearing.

It is the view of this Court that the notice given is sufficient time for all parties to this hearing. In addition to that the court having looking at the wording of the grounds of appeal ruled that the court will proceed in the absence of the Appellant.

Courts Analysis on grounds of appeal:

By the wording of the two grounds of appeal filed by the Appellants before this court, it raises issues on point of Law in which this court lacks jurisdiction to entertain. Even if the Appellant did attend this hearing, this court could not hear the appeal as it raise issues on point of Law.

The Appellants grounds of appeal No: 1 and 2 must be struck out.

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O R D E R
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- 1. Appeal struck out.
- 2. No further Order made

Dated this 30th day of November 2011.

Signed by: Jeremaiah Kema - President (Ag).....
Silverio Maike- Member.....
Willington Lioso - Member.....
Allan Hall - Member.....
Davis D Vurusu - Member/Secretary.....

Right of Appeal Explained.