

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

**Judicial Review  
Case No. 24/333 SC/JUDR**

**BETWEEN: VANUATU WAIKKE GROUP INDUSTRIAL  
COMPANY LTD**  
Applicant

**AND: THE DIRECTOR OF LANDS, SURVEY AND  
REGISTRY DEPARTMENT**  
Respondents

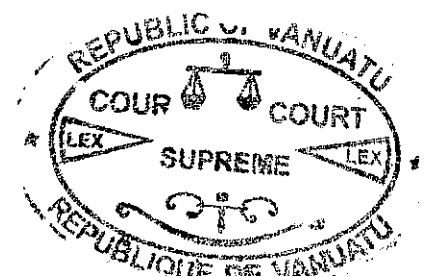
*Coram: Justice Oliver A. Saksak*  
*Counsel: Willie Kapalu for the Applicant*

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**DECISION**

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1. I heard Mr Kapalu on an urgent ex parte application seeking restraining orders on an interlocutory basis. The application was filed at 9.20 am today (13/2/24) together with a supporting sworn statement by Mr Carmen Liu, an undertaking as to damages and a sworn statement of urgency by Counsel.
2. The basis of the application is Rules 17.3 and 7.5 of the Civil Procedure Rules No. 49 of 2002.
3. Also filed along with the application is the Urgent Claim for Judicial Review with its supporting statement.
4. In light of the JR Claim being filed, proceeding has started and the applicant is seeking interlocutory orders to halt the works being undertaken by the Defendant pending further consent of the applicant or the hearing of the JR Claim.



5. Pursuant to Rule 7.5 I have to be satisfied (a) whether the applicant has a serious question to be tried? And (b) would he be seriously disadvantaged if orders are not granted?
6. From the evidence filed in support of the application the Claimant/Applicant is the registered proprietor and lease holder of the lands on which the power poles and lines are to be installed. The applicant operates and maintains a Noni Plantation on the land and there is high likelihood that substantial damages would be done to the Noni trees, farm land and fences if the orders sought are not granted. The applicant would be seriously disadvantaged giving rise to huge damages being claimed against the defendant.
7. The Orders would in my view be of advantage to both the applicant and the respondent.
8. I therefore answer both questions under Rule 7.5 in the affirmative.
9. The Orders sought by the applicant are granted on an interlocutory basis pending the parties reaching consent and/or pending the hearing of the Judicial Review Claim to be issued separately.

**DATED at Port Vila this 13<sup>th</sup> day of February, 2024.**

**BY THE COURT**

Oliver A. Saksak \*

Judge

