

Orang Asli win 14-year battle

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PUTRAJAYA: Twenty-six families of the Temuan tribe in Dengkil whose land was acquired to build a highway 14 years ago will finally be paid RM6.5 million as compensation.

This landmark settlement was recorded yesterday between seven plaintiffs and the Federal Government which recognises the right of the Orang Asli to their 38 acres of customary land in Kampung Bukit Tampoi, which was taken to build the Nilai-Banting highway.

Federal Court judges Tan Sri Arifin Zakaria, Tan Sri Richard Malanjum and Datuk Seri James Foong, who recorded the settlement yesterday, were told by senior federal counsel Datuk Kamaludin Md Said that the Federal Government, United Engineers (Malaysia) Bhd (UEM) and Malaysian Highway Authority (MHA) were withdrawing their appeal against the Court of Appeal's decision.

The Court of Appeal had on Sept 19, 2005, upheld the Shah Alam High Court's decision declaring Sagong Tasi and six others — Kachut Tunchit (deceased), 45, Dabat Chabat, 79, Kepal Kepong, 69, Sani Saken, 41, Ilas Senin, 47, and Tok Batin Tukas anak Siam (deceased), 59, — as customary owners of the plot of land in Kampung Bukit Tampoi.

It affirmed the High Court's decision that the Orang Asli of the Temuan tribe owned the land under a customary community title of a permanent nature.

Since their constitutional rights had been violated, the court ordered that the Orang Asli be paid the market value as provided for under the Land Acquisition Act 1960.

Yesterday, Kamaludin told the court that the Federal Government, UEM and MHA were withdrawing their appeals on terms.

The terms, which were read out in



Twenty-six families of the Temuan tribe in Dengkil and their lawyers are jubilant after winning compensation for their land which was acquired to build a highway 14 years ago.

court, were that the appellants were to withdraw their respective appeal without costs and that MHA was to pay RM6.5 million as full and final settlement within a month from yesterday.

The money, as stated in the terms agreed, was to be deposited with the Shah Alam High Court for disbursement to the respondents and any other individuals who were staying on the land which was taken.

In 1996, the Temuan tribe, with the

help of a team of pro bono lawyers from the Bar Council, took their case to the Shah Alam High Court after their land was acquired to build the highway leading to the Kuala Lumpur International Airport.

The original defendants included the Selangor government.

In 2002, the High Court ruled that the Orang Asli enjoyed native title rights over their traditional land and that they should be compensated.

The defendants appealed to the

Court of Appeal but lost. They then appealed to the Federal Court and were granted leave in 2006.

In April last year, the Selangor government changed hands from Barisan Nasional to Pakatan Rakyat, and the new state government pulled out of the appeal, saying that to continue would amount to breaching its promise to recognise the land rights of the indigenous people of Malaysia.

Yesterday, Sagong Tasi, who was

present with about 50 tribe members, said they were happy with the settlement news.

"It has been a long time since we began this court battle. Although it is not much when divided among our tribe, it is still something and I am grateful."

He said he was already old and his health was deteriorating.

"Who knows, maybe I am still not too old to buy a house or get married again with the money," he added.