

Thursday May 27, 2010

RM6.5mil settlement for Temuans whose land was taken away

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PUTRAJAYA: It took 14 years for 26 orang asli families, who had their land snatched away to make way for a highway, to see justice done — the Federal Court recorded a RM6.5mil landmark settlement.

The apex court ordered the Malaysian Highway Authority (LLM) yesterday to pay members of the Temuan tribe who were forced to leave their homes when the Nilai-Banting Highway was constructed in 1995.

Although the defendants were the LLM, Government and United Engineers (M) Bhd (UEM), only LLM was required to pay the sum under the terms of settlement.

The highway authority has been ordered to pay the settlement to the Temuan tribe, who were living in the Bukit Tampoi area, when their land was forcibly taken.



Sagong Tasi (in yellow T-shirt) walking along KM33 of the Nilai-KLIA Highway with his daughter and other Temuans. The highway runs through where their houses, as well as the Balai Adat and Balai Raya, once stood. — AZLINA BT ABDULLAH / The Star

Chief Judge of Malaya Justice Arifin Zakaria, who chaired a three-man Bench, noted that the LLM would deposit the sum to the Shah Alam High Court for disbursement of the funds to the orang asli families.

Justice Arifin, who sat with Chief Judge of Sabah and Sarawak Justice Richard Malanjum and Federal Court judge Justice James Foong Cheng Yuen, recorded that LLM would pay the full settlement within a month from yesterday.

The Federal Court noted the terms of agreement supplied by the parties — LLM, the Federal Government and UEM through Senior Federal Counsel Datuk Kamaludin Md Said.

Seven orang asli who initiated the suit could apply directly to the Shah Alam High Court for their compensation. They

are Sagong Tasi, Kachut Tunchit, Dabat Anak Chabat, Kepal Anak Kepong, Sani Saken, Ilas Senin and Tukas Anak Siam.

The three appeals filed by the defendants would be withdrawn due to the settlement.

According to the orang asli's lawyer David D. Mathew, the settlement was made after his clients had agreed to not seek costs and damages awarded by the Shah Alam High Court earlier.

He also said four of the orang asli who were plaintiffs in the suit, had died.

In 1995, a total of 38.47 acres (15.57ha) was acquired from the orang asli in Dengkil without compensation being paid to make way for the construction of the highway.

Thirteen houses were affected apart from the Balai Adat and Balai Raya. The land had also contained oil palm, rubber, fruit trees and other crops.

Some of the orang asli families are living in the areas on both sides of the highway presently.

In April 1996, the Temuans took their case to the Shah Alam High Court with a team of pro bono lawyers from the Bar Council.

On April 12, 2002, the Shah Alam High Court ruled in a landmark decision that the orang asli enjoyed native title rights over their traditional land and that they were to be compensated according to the Land Acquisition Act.

The defendants appealed but lost in the Court of Appeal on Sept 19, 2005.

They then appealed to the Federal Court and obtained leave to appeal on Nov 21, 2006.

On April 22, 2009, the Selangor government, which was initially one of the four parties named by the orang asli in their lawsuit, had changed hands from Barisan Nasional to Pakatan Rakyat and the new state government pulled out of the appeal, saying that to continue would breach its promise to recognise the land rights of the orang asli (indigenous peoples) of Malaysia.

Speaking to reporters, Sagong Tasi, 79, said he was relieved and happy over the payment, saying that the matter had dragged on for over a decade.

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