

Dalton v. Beattie, 5 ROP Intrm. 18 (1994)
MARGARITA B. DALTON,
Petitioner,

v.

THE HONORABLE JEFFREY L. BEATTIE,
Respondent.

SPECIAL PROCEEDING NO. 5-94
Civil Action No. 354-93

Supreme Court, Appellate Division
Republic of Palau

Order denying petition for writ of mandamus
Decided: November 8, 1994

Counsel for Petitioner: Martin Wolff, Esq.

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LARRY W. MILLER, Associate Justice;
PETER T. HOFFMAN, Associate Justice

PER CURIAM:

This petition for a writ of mandamus arises out of a multi-party quiet title action currently pending before the trial court. After the action was commenced petitioner Margarita Dalton constructed a barricade across one of the disputed parcels of land, a road in Meyuns starting at the Eang Road and ending at the water. Thereafter Koror State moved for an injunction to prevent Dalton from barricading the road. The trial court issued a temporary restraining order and the barricade was removed. Following a hearing, the trial court denied Koror State's motion for a preliminary injunction, finding that it had not shown a reasonable likelihood of prevailing on the issue of whether the road is a public road.

The trial court nevertheless enjoined Dalton from obstructing the road. The court relied on its "power and duty to supervise and control litigation so as to obtain a peaceful and orderly resolution of the disputes before it" to order that the road be preserved as it was when the litigation started (i.e. free from barricades) until its ownership is determined. In this petition for a writ of mandamus Dalton claims that the trial court exceeded its jurisdiction by ordering her not to barricade the road after it denied Koror State's preliminary injunction motion.

A writ of mandamus is an extraordinary writ which will not issue in "doubtful cases." *ROP v. Malsol*, Criminal Appeal No. 5-91, slip op. at 2 (September 6, 1991). A party seeking a writ of mandamus to challenge a trial court's exercise of its jurisdiction must prove, at a minimum, that its right to have the writ issued is "clear and indisputable." *BMC Corp. v. Ngiraklsong*, Special Pro. No. 3-93, slip op. at 3 (October 21, 1993). Dalton cannot show

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that in this case. See 25 Am. Jur. 2d Ejectment § 78 (1966) ("As an aid to an action of ejectment to try title to land, equity will preserve the status quo and to this end may . . . enjoin all parties, both complainant and defendant, from disturbing the existing condition of the property."); see also 42 Am. Jur. 2d Injunctions § 11 ("A court, once having obtained jurisdiction of a cause of action, has, as incidental to its general jurisdiction, inherent power to do all things reasonably necessary to the administration of justice. In the exercise of this power, a court may . . . issue a temporary injunction in aid of or ancillary to the principal action."). Dalton's petition for writ of mandamus is therefore DENIED.¹

¹ In her memorandum in support of her petition for writ of mandamus Dalton avers that preliminary injunctions are not appealable. This is, in fact, an open question in Palau. Should Dalton file a timely notice of appeal she should brief whether the granting of a preliminary injunction is immediately appealable in addition to whether the trial court's preliminary injunction in this case was properly issued.