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CASE NO: 25597/2011

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)**

PRETORIA 30 APRIL 2013

BEFORE THE HONOURABLE MR JUSTICE DE KLERK (AJ)
AND BEFORE THE HONOURABLE MADAM JUSTICE COLLINS (AJ)

In the matter between:

SUMMER SEASON TRADING 63 (PTY) LTD APPLICANT

And

OCCUPIERS OF THE REMAINING EXTENT OF
PORTION 34 OF THE FARM KAMEELZYNKRAAL
547 REGISTRATION DIVISION JR 1ST RESPONDENT

THE KUNGWINI LICAL MUNICIPALITY 2ND RESPONDENT

METSWEDING DISTRICT MUNICIPALITY 3RD RESPONDENT

CITY OF TSWANE METROPOLITAN MUNICIPALITY 4TH RESPONDENT

THE MEC FOR THE DEPARTMENT OF
LOCAL GOVERNMENT AND HOUSING 5TH RESPONDENT

THE MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM 6TH RESPONDENT

THE MINISTER OF HUMAN SETTLEMENT 7TH RESPONDENT

THE MINISTER OF WATER AND
ENVIRONMENTAL AFFAIRS 8TH RESPONDENT

THE MINISTER OF PUBLIC WORKS 9TH RESPONDENT

THE PREMIER OF GAUTENG 10TH RESPONDENT

HAVING HEARD counsel(s) for the parties and having read the documents filed the court reserved its judgment.

THEREAFTER ON THIS DAY THE COURT ORDERS

JUDGMENT

1. THAT an order for eviction of first respondent namely all persons occupying the farm known as Remaining Extent of Portion 34 of the farm Kameelzynkraal 547 Registration Division JR ("the farm") is granted;
2. THAT all persons occupying the farm (the first respondent) and all those who occupy any portion of the said farm under or through them are to vacate the farm on a date to be determined by the court:
 - 2.1 If first respondent and those who occupy the farm under or through them have not vacated the said property within the stipulated time, the Sheriff is authorised and required to evict them from the property at any time after the expiry of the stipulated time period to be determined;
3. THAT the respondents occupying the farm are authorised to move any materials salvaged from the respective structures in which the property reside when they vacate the farm;
4. THAT the fourth, fifth and seventh respondents are jointly ordered to offer and to provide temporary accommodation to those of the respondents occupying the farm who are evicted and who at the time eviction are desperately in need of housing or assistance with their relocation to a temporary settlement area as described in chapter 12 of the National Housing Code, within the municipal area of fourth respondent which temporary accommodation is to consist of a place where they are able to erect temporarily structures for their accommodation;
5. THAT the fourth, fifth and seventh respondents are jointly ordered to take all steps required and which may be necessary to obtain suitable land through any other organ of state or belongings to any organ of state for purposes of relocation of the members of first respondent occupying the farm as far as it may be necessary to comply with their constitutional duties in terms of Section 26 (1) of the Constitution of 1996 and in accordance with any housing development plan that may be in existence;
6. THAT the fourth respondent is to provide all necessary assistance to members of first respondent to relocate in an orderly and humane manner. Such assistance to include assistance is dismantling of present structures, the transport of personal belongings and transport of building materials;
7. THAT the fourth respondent is to supply the following basic amenities to the relocation site, namely:
 - 7.1 Informally demarcated stands of a size in accordance with the Housing Code and densification strategy of the fourth respondent;
 - 7.2 Water as provided to informal settlements elsewhere in the municipal area of fourth respondent;

7.3 Basic sanitation and basic refuse removal;

8. THAT the fourth respondent is to deliver a detailed report to this court on or before 15 June 2013, confirmed on affidavit on:
 - 8.1 What steps it intends to take or is able to take to comply with paragraph 4, 5, 6 and 7 of this order and also when such accommodation or land can be provided;
 - 8.2 What steps can be taken to alleviate the effects of the current occupation pending emergency accommodation and alternative land being made available;
9. THAT the applicant and any respondents, who wish to do so, may file affidavits in response to the report within 15 days of delivery thereof;
10. THAT the application is postponed sine die for consideration of the date of eviction;
11. THAT the counter application is dismissed;
12. THAT the costs (inclusive of the costs of the counter application) are reserved for final determination

BY THE COURT

**REGISTRAR
AN**



Att: PIET GROBBELAAR