IN HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION

PRETORIA

PRETORIA, 10 FEBRUARY 2017   **CASE NOS: 7922/17 & 6048/17**

BEFORE THE HONORABLEMS JUSTICE JV NIEUWENHUIZEN

In the matter between

ANNA MMAKODI THIPE	**FIRST APPLICANT**
286 DENNEBOOM TRADERS	**SECOND APPLICANT**

and

CITY OF TSHWANE	**FIRST RESPONDENT**
ISIBONELO PROPERTY SERVICES (PTY) LTD	**SECOND RESPONDENT**
MK AFRICA CONSTRUCTION (PTY) LTD	**THIRD RESPONDENT**
FENCESTEEL (PTY) LTD	**FOURTH RESPONDENT**

DRAFT ORDER

After having heard Counsel on behalf of the applicants and the 1st respondent, on the documents filed of record, by agreement between the parties, the court makes an order in the following terms:

1.1.   The matters under case numbers 6048/17 and 7922/17 are consolidated.

1.2.   The rule nisi, granted Friday, 3 February 2017 under case number 7922/17 is discharged.

1.3.   Pending relocation of the traders to the temporary trading facility, the respondents are interdicted and restrained from:

      1.3.1.   demolishing any existing structure, fixed or informal, used by the traders for purposes of trading, in the area currently occupied by them;

      1.3.2.   unduly interfering with the traders' trade by:

            1.3.2.1.   obstructing delivery of stock to their stalls,

            1.3.2.2.   obstructing public road access to their stalls;

      1.3.3.   disconnecting the water and electricity supply.

1.4.   The applicants are interdicted and restrained from harassing, intimidating or assaulting any employees, agents or contractors of the respondents, and from causing damage to public of private property.

1.5.   If any dispute arises about the interpretation, implementation, or breach of the terms of this order, the parties will be obliged to first attempt to settle the dispute through conciliation, before approaching the Court for relief.

1.6.   During the construction phase of the Denneboom Station Public Transport Interchange Development, the respondents will, at the temporary trading area, make available to the traders:

    1.6.1.   containers for those traders who currently occupy fixed structures;

    1.6.2.   trading spaces for those traders who currently occupy informal stalls;

    1.6.3.   proper ablution facilities, including communal water and electricity.

1.7.   To give effect to the preceding order the 1st respondent shall: *within 7 days of the granting of this order -*

    1.7.1.   allocate a number to each and every trader at the current trading facility, differentiating between traders who occupy fixed structures, and traders who occupy informal stalls;

    1.7.2.   allocate a corresponding number to a container or trading space, as the case might be, at the temporary facility;

1.7.3. inform the traders and their attorneys, in writing, accordingly.

1.8. After the traders have been informed, the traders are ordered to relocate to the allocated trading spaces at the temporary trading facility within 48 (forty eight) hours of having been so informed.

1.9. Commuters from the Denneboom train station shall be diverted to public transport facilities via the temporary trading area, 48 hours after the traders have relocated to the temporary trading area.

1.10. The applicants shall provide the 1st respondent with the names and identities of three people to represent them on the Denneboom Facilities Management Board.

1.11. After having been informed of the names and identities of the applicants' representatives, the 1st respondent shall forthwith ensure that the representatives are formally included in the Denneboom Facilities Management Board.

1.12. Determination of the location, layout, design, allocation criteria, and conditions of occupation and trade, of trading spaces at the Denneboom Station Public Transport Interchange, shall be done after consultation with the traders, and the parties shall endeavour to ensure that the trading conditions will in as far as possible be comparable to the traders' current trading conditions.

1.13.   The parties shall act reasonably and fairly at all stages.

1.14.   Costs are reserved.

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BY ORDER

REGISTRAR