18/2/2021

IN THE LAND CLAIMS COURT OF SOUTH AFRICA HELD AT RANDBURG

CASE NO: LCC06/2021

In the matter between:		
REGIST	RAR OF THE LAND CLAIMS &	APPLICANT
, ,,,	te Bag ±10050, Rendbu ≥ 2125	
SISWE GULE	2021 -02- 18	FIRST RESPONDENT
DUDUDU GULE	LOG-608	SECOND RESPONDENT
ALL PERSONS RESIDIN	IER VAN DIE STONDEISCHOF NG AT THE HOUSE KNOWN	AS
	SE NR B ON PORTION 1 (AR	
OF THE FARM MOOIPL	AATS	THIRD RESPONDENT
THE MINISTER OF DEP	ARTMENT	
OF AGRICULTURE,		
RURAL DEVELOPMENT AND LAND REFORM		FOURTH RESPONDENT
	DRAFT ORDER	
18 February 2021		
T IS ORDERED THAT:		

- 1. The Rule nisi granted on 21 January 2021 is hereby confirmed and made final.
- 2. The First to Third Respondents are hereby interdicted and restrained from;

- a. The construction of, or causing to be built, the house, building or structure as depicted in annexures "EH4" and "EH6", together with any further additions thereto, upon the Applicant's farm described as Portion 1 (Arcadia) of the farm Mooiplaats 206 Registration division HT, District Piet Retief, Mpumalanga Province ("the farm"); and
- b. encroaching on the area of the farm where the said construction has been taking place.
- 3. The 1st, 2nd and 3rd Respondents are hereby ordered to demolish and remove all or any structures already constructed on the farm, depicted in annexure "EH4" and "EH6" to the Notice of motion, and to render the said area back to the Applicant in the undisturbed state it was before the construction commenced within 14 (fourteen) days from date of the service of this order.
- 4. In the event of the 1st 2nd and 3rd Respondents' failing to comply with the order in paragraphs 3 above, the Sherriff or his deputy, with the assistance of the South African Police Services, are granted leave to immediately demolish all or any structures already constructed as described in paragraph 2.3 of the Notice of Motion and to return possession of the said portion of the farm to the Applicant.
- Leave is granted to the Applicant to approach this Court for further relief against any other persons and to join such persons in the event that it becomes necessary to do so.
- 6. The 1st and 2nd Respondents are ordered to pay the costs of the application, jointly and severally, the one paying the other to be absolved, on the party and party scale.

BY ORDER

REGISTRAR