

IN THE LAND CLAIMS COURT OF SOUTH AFRICA
RANDBURG

Before: Ncube AJ

CASE NUMBER: LCC13/2021

In the matter between

BOTHASBERG STOETERY CC
Registration: 2010/088099/23

APPLICANT

and

TSHEPO (DOCTOR) MASEKE

2021-03-11

1st RESPONDENT

VJ MAHLANGU

LCC-002

2nd RESPONDENT

NAMABHUMEI MAHLANGU

GRIFPIER VAN DIE GRONDEISELHOF
SUID-AFRIKA
RANDBURG

3rd RESPONDENT

**ALL OTHER PERSONS RESPONSIBLE FOR THE ILLEGAL
CONSTRUCTION OF BUILDINGS/STRUCTURES
ON PORTION 7 AND 18
OF THE FARM KWAGGASKOP 359**

4th RESPONDENT

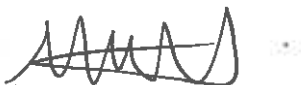
**THE MINISTER OF DEPARTMENT
OF AGRICULTURE, RURAL DEVELOPMENT
AND LAND REFORM**

5th RESPONDENT

ORDER

The draft order herein attached and marked "X" is hereby made an order of court.

Given on this Thursday 11th March 2021

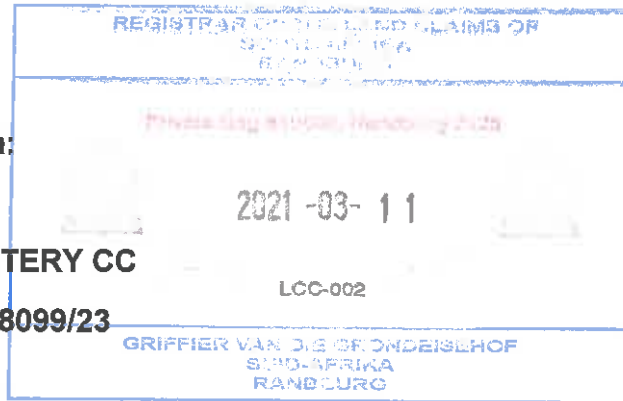


REGISTRAR: LAND CLAIMS COURT

// X //

**IN THE LAND CLAIMS COURT OF SOUTH AFRICA
HELD AT RANDBURG**

**BEFORE NCUBE J
ON 11 MARCH 2021**



CASE NO: 13/2021

In the matter between:

**BOTHASBERG STOETERY CC
Registration: 2010/088099/23**

APPLICANT

and

TSHEPO (DOCTOR) MASEKE

FIRST RESPONDENT

VJ MAHLANGU

SECOND RESPONDENT

NAMABHUMEI MAHLANGU

THIRD RESPONDENT

**ALL OTHER PERSONS RESPONSIBLE FOR THE ILLEGAL
CONSTRUCTION OF BUILDINGS/STRUCTURES
ON PORTION 7 AND 18
OF THE FARM KWAGGASKOP 359**

FOURTH RESPONDENT

**THE MINISTER OF DEPARTMENT
OF AGRICULTURE, RURAL DEVELOPMENT**

DRAFT ORDER

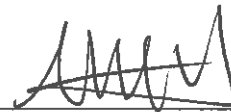
Having considered the matter, the following order is granted:

1. The rule *nisi* granted on 5 February 2021 is confirmed and a final order is granted in the following terms:
 - 1.1 The first to fourth respondents are hereby interdicted and restrained from encroaching upon and/or constructing the house(s)/building(s)/structure(s) as depicted in annexure “MPHB1” together with any further additions thereto on the applicant’s farm described as Portion 7 (remaining extent) and Portion 18 of the Farm Kwaggaskop 359 Registration Division JS. District Stoffberg, Mpumalanga Province (the “farm”).
 - 1.2 The first to fourth respondents are ordered, within 7 (seven) days from date of the order, to demolish and remove all or any structures already constructed on the farm, depicted in annexure “MPHB1” together with any further additions thereto, and to render the said area back to the applicant in the undisturbed state it was before the construction commenced.

1.3 In the event that the first to fourth respondents' fail to comply with the order in paragraphs 1.2 above, the Sherriff or his deputy, with the assistance of the South African Police Services (within the ambit of their constitutional and statutory duties), are granted leave to immediately demolish all or any structures in constructed in the area referred to above and to return possession of the said portion of the farm to the applicant.

1.4 Leave is granted to the applicant to approach this Court for further relief against any other persons and to join such persons, should it become known that other role-players other than the first to fourth respondents are in any way involved in the conduct of the first to fourth respondents, and to supplement its papers where necessary.

2. No order as to costs.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

BY ORDER
REGISTRAR