

THE HIGH COURT OF SOUTH AFRICA  
LIMPOPO DIVISION, POLOKWANE

DATE: 06 JANUARY 2017

CASE NO : 24/2017

BEFORE THE HONOURABLE: JUDGE PRESIDENT MAKGOBA

In the matter between:

LEPELLE NKUMPI LOCAL MUNICIPALITY

Applicant

and

THE UNLAWFUL TRESPASSERS/OCCUPIERS AT  
PORTION 15, UNIT Q, AND PORTION 17, UNIT R  
OF THE FARM VOORSPOED, 458 KS

First respondent

MADABANE NOKHUTHULA GRACE

Second respondent

MODULA MATIBELA ANDRIKA

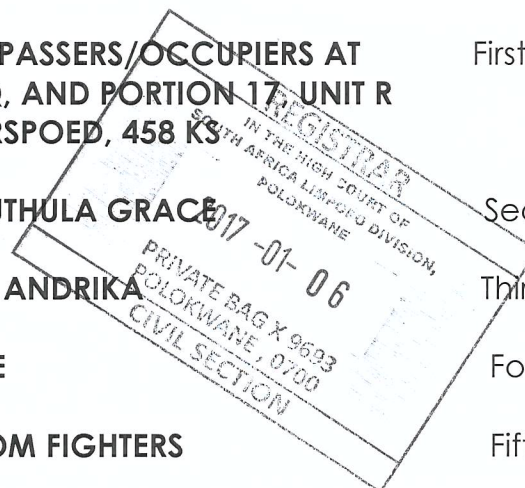
Third respondent

MINISTER OF POLICE

Fourth respondent

ECONOMIC FREEDOM FIGHTERS

Fifth Respondent



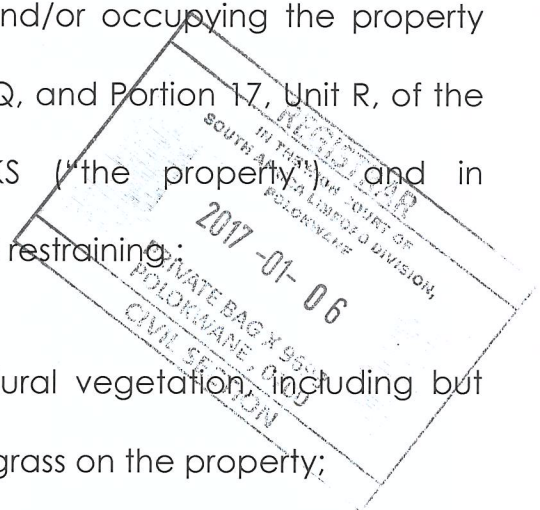
**COURT ORDER**

After hearing argument by counsel for the applicant, the Court grants the following order:

1. A **Rule nisi** do hereby issue calling upon the respondents to show cause, if any, on **23 FEBRUARY 2017** why the following

order should not be made final :

- 1.1 Interdicting and restraining the first to third respondents, acting either individually or through any appointed agent, from trespassing and/or occupying the property known as Portion 15, Unit Q, and Portion 17, Unit R, of the farm Voorspoed, 458 KS (the property) and in particular, interdicting and restraining:
  - 1.1.1 the clearing of the natural vegetation including but not limited to trees and grass on the property;
  - 1.1.2 the demarcation of the property into individual stands/erven;
  - 1.1.3 the erection of any structures at the property including, though not limited to, fencing poles, fences, dwelling units, or any structures of a permanent or non-permanent nature;
  - 1.1.4 any other form of occupation of the property, be it of a permanent or non-permanent nature.
- 1.2 Authorising the Sheriff to forthwith, upon presentation of this



order, remove/ evict any unlawful trespassers from the property.

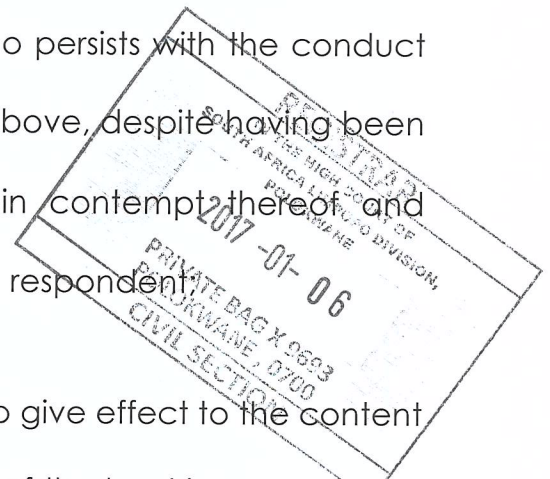
1.3 Interdicting and restraining the second and third respondents, acting either personally or through any appointed agent, from inciting or persuading individuals to conduct themselves as set out in paragraphs 1.1.1- 1.1.4 above;

1.4 Declaring that any individual who persists with the conduct set out in paragraph 1.1.1-1.1.4 above, despite having been made aware of this order, is in contempt thereof and susceptible to arrest by the fourth respondent;

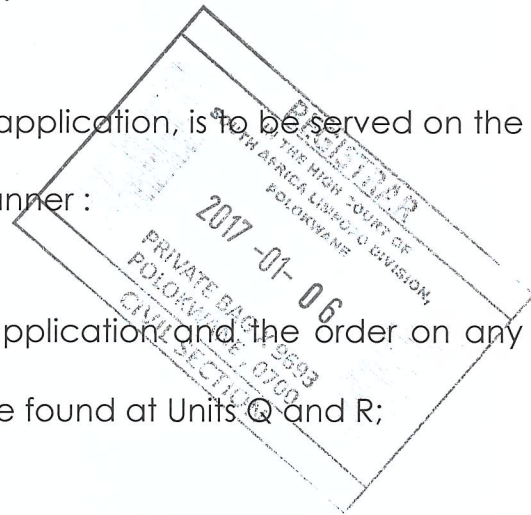
1.5 Directing the fourth respondent to give effect to the content of this order and uphold the law of the land in accordance with its constitutional mandate, particularly through:

1.5.1 providing assistance to the sheriff of the court in serving and enforcing the terms of this order; and

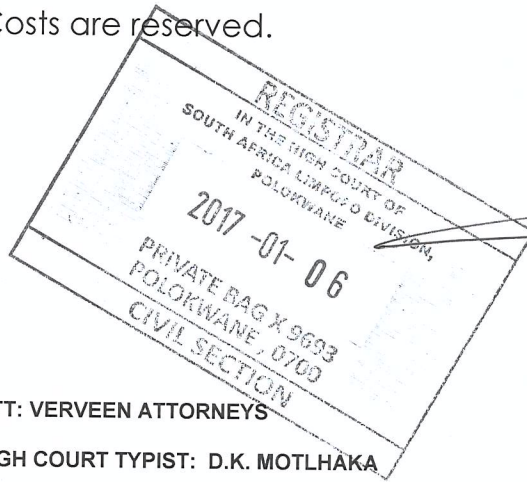
1.5.2 where appropriate, arresting any individuals who, despite knowledge of this order, persists in the unlawful conduct.



- 1.6 Authorising the Sheriif to demolish and remove any illegal structures erected at the property, wherever it may be found.
2. Paragraphs 1.1- 1.6 of the rule *nisi* serves as an interim interdict with immediate effect, pending final determination of the application on the return date.
3. The **Rule nisi**, together with the application, is to be served on the respondents in the following manner :
  - 3.1 annexing a copy of the application and the order on any fixed structures that may be found at Units Q and R;
  - 3.2 by serving a copy of the application and the order on the second and third respondents at the addresses specified in the notice of motion;
  - 3.3 broadcasting the terms of this order through a public announcement system, at various sections of the properties;
  - 3.4 service on the fourth and fifth respondents at the addresses as indicated in the notice of motion.



4. Costs are reserved.



BY ORDER OF THE COURT

REGISTERAR

ATT: VERVEEN ATTORNEYS

HIGH COURT TYPIST: D.K. MOTLHAKA