

IN THE WESTERN CAPE HIGH COURT, CAPE TOWN  
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 1114/14

In the application between:

THE SOUTH AFRICAN NATIONAL  
ROADS AGENCY LIMITED

Applicant

and

THE PERSONS INTENDING TO OCCUPY ERF 32524  
NOMZAMU STRAND

Respondents



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**NOTICE OF MOTION**

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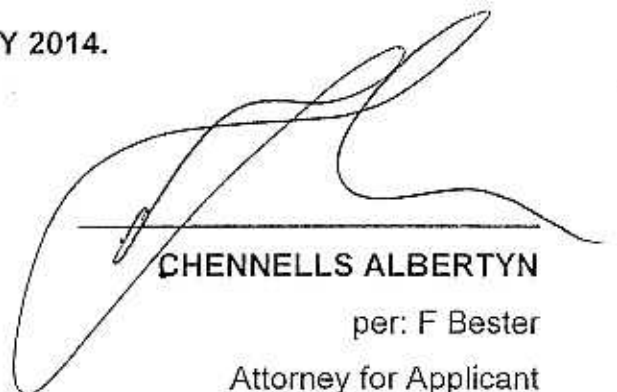
BE PLEASED TO TAKE NOTICE that application will be made to the above Honourable Court as a matter of urgency on behalf of the abovenamed Applicant at ..... on 24<sup>TH</sup> January 2014 or as soon thereafter as Counsel may be heard, for an order in the following terms:

1. That the above matter be heard as one of urgency and the provisions of Rule 6(12) in respect of notice and service be dispensed with.
2. A rule *nisi* calling upon the Respondents or any other interested person to appear and show cause, if any, to the above Honourable Court on 24<sup>th</sup> February 2014 at 10h00 or so soon thereafter as the matter may be heard, why a final order should not be granted interdicting and restraining the Respondents from:

- 2.1 entering or being upon Erf 32524 Nomzamu, Strand, for the purpose of unlawfully occupying or invading that property or erecting structures there except for those Respondents currently occupying the property at the date of the granting of this order; and
  - 2.2 erecting, completing and/or occupying any structures there or extending their current structures save except those Respondents currently occupying the property at the date of the granting of this order are not interdicted from occupying the property;
  - 2.3 Intimidating, harassing, assaulting or in any way interfering with:
    - 2.3.1 The employees, agents or contractors of Applicant; or
    - 2.3.2 any person involved in or connected with law enforcement at the property and service of process;
  - 2.4 inciting persons to enter the property or to erect structures on the property for the purpose of unlawfully occupying or invading the property or erecting, completing, extending and/or occupying any structures thereon.
3. Authorising the Applicant, duly assisted by the Sheriff and in so far as needs be, by the members of the South African Police Services to give effect to the provisions of this order by:
- 3.1 Removing any person found to be in breach of this order subsequent to service as recorded in paragraph 6 below;
  - 3.2 Demolishing any structure unlawfully erected on the property subsequent to the service of this order;

- 3.3 Removing any possessions found at or near such structures including any building materials, which possessions and/or building materials shall be kept in safe custody by the Applicant until released to the lawful owner thereof and to take all reasonable steps necessary to give effect to this order.
4. Ordering any Respondents who oppose this application to pay the costs jointly and severally, the one paying the other to be absolved.
5. Pending the return day, paragraph 2 above shall operate as an interim interdict with immediate effect.
6. Service of this order shall be effected upon Respondents by the Sheriff attending at the property and serving a copy of this order, duly assisted in so far as needs be, by the members of the South African Police Services, in the following manner:
- 6.1 by reading aloud the contents of this order by loudhailer in Xhosa, Afrikaans and English at the property;
- 6.2 by erecting 8 notice boards on the property, each containing copies of the order with Xhosa and Afrikaans translations.

DATED at Cape Town this 24th day of JANUARY 2014.



**CHENNELLS ALBERTYN**

per: F Bester

Attorney for Applicant

44 Alexander Street

STELLENBOSCH 7600