

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

In the matter between:

Case No – Saak No 1114/14

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED

Applicant

and:

THE PERSONS INTENDING TO OCCUPY ERF 32524 NOMZAMU STRAND

Respondent

Return in accordance with the provisions of the Supreme Court Act 59 of 1959, as amended

RETURN OF PERSONAL SERVICE: 03 day of FEBRUARY 2014 at 09:26

On this 03 day of FEBRUARY 2014 at 09:26 I served the ORDER in this matter upon THE PERSONS INTENDING TO OCCUPY ERF 32524 NOMZAMU STRAND, (MR WINILE, MR MPATISE, MR YOLISWA) Respondent, personally at ERF 32524, NOMZAMU, STRAND by handing to the abovementioned a copy thereof after explaining the nature and exigency of the said process. (Rule 4(1)(a)(1)).

SERVICE OF ORDER WAS EFFECTED UPON RESPONDENTS AS FOLLOW:-


SERVICE ON ABOVE BY HANDING THEM ORDER.

BY READING ALOUD AT THE PROPERTY THE CONTENTS OF THE ORDER BY A DOORDHALLER IN KHOSA, APRIKAANS AND ENGLISH.

BY ERECTING 8 (EIGHT) NOTICE BOARDS ON THE PROPERTY, EACH CONTAINING COPIES OF THE ORDER WITH KHOSA AND APRIKAANS TRANSLATIONS.

Appearance Date: 24 FEBRUARY 2014.

File Copy
Leerafskriif

| | | | | | | | |
|--|---------------|------------|--|--|-----------------|--|----------|
| Sheriff Fees Baljugeelde | Date Datum | 20.02.2014 | Tax Invoice Number Belastingfaktuur Nr. | I 16364 | <i>AAA</i> | | |
| Description..... | Qty | Vat | Amount | Description..... | Qty | Vat | Amount |
| Registration and Return | 1 | 4.55 | 32.50 | Demolishment (x48 Structures) | 1 | 3024.00 | 21600.00 |
| Postage / handling fee | 1 | 1.82 | 13.00 | VAT / BTW | | | 7405.68 |
| Copies made | 63 | 22.05 | 157.50 | | | | |
| Telephone Calls (M+R) | 12 | 11.76 | 84.00 | | | | |
| Service (H) | 3 | 20.58 | 147.00 | | | | |
| Urgency Fee | 1 | 49.00 | 350.00 | | | | |
| E-mails sent and received | 69 | 86.94 | 621.00 | | | | |
| writing letters | 5 | 8.75 | 62.50 | | | | |
| Travelling | 1 | 85.40 | 610.00 | | | | |
| Consultation Fee (H) | 1 | 916.52 | 6546.60 | | | | |
| Time Spent | 1 | 3174.30 | 22673.60 | | | | |
| VAT Reg No. BTW Reg Nr. | 4260262649 | | You may require this account to be taxed and vouched before payment. U kan vereis dat hierdie rekening getekseer en gestaaf word voor betaling | | Total Totaal | 60303.38 | |
| CHENNELLS ALBERTYN (STELL) P O BOX 1022 STELLENBOSCH 7600 | | | | Account No. ♦ Rekening Nr. Your Reference ♦ U Verwysing My Reference ♦ My Verwysing Ret: 116199/Nadia/2 | | 51414 VatReg 7958FB/ek  | |
| Registrar: WESTERN CAPE DIVISION, C | | | | | | | |

D Burger
Sheriff / Balju
Deon Burger
Balju – Sheriff
STRAND
Tel: 021 853 7436
Fax: 021 853 7442
P O Box 218 Posbus
Strand
7139
strand@sheriffnet.co.za
Bank: Absa Bank Strand
Name: D Burger t/a
Sheriff Strand
BrCode: 632005
AccNo: 4079791216

Form Design © Sheriff Office System (Pty) Ltd 1998 - 2012

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

In the matter between:

Case No - Saak No 1114/14

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED

Applicant

and:

THE PERSONS INTENDING TO OCCUPY ERF 32524 NOMZAMU STRAND

Respondent


Return in accordance with the provisions of the Supreme Court Act 59 of 1959, as amended

RETURN OF PERSONAL SERVICE: 03 day of FEBRUARY 2014 at 09:26

On this 03 day of FEBRUARY 2014 at 09:26 I served the NOTICE OF MOTION in this matter upon (MR WINILE, MR MPATISE, MR YOLISWA (THE PERSONS INTENDING TO OCCUPY ERF 32524 NOMZAMU STRAND, Respondent, personally at ERF 32524, NOMZAMU, STRAND by handing to the above mentioned a copy thereof after explaining the nature and exigency of the said process. (Rule 4(1)(a)(i)).

Appearance Date: 24 FEBRUARY 2014.

File Copy
Leeratfskriif

| | | | | | | |
|--|---------------|---|--|--|---|--------|
| Sheriff Fees Balju gelde | Date Datum | 20.02.2014 | Tax Invoice Number Belastingfaktuur Nr. | I 16365 | | |
| | | | Description | Qty | Vat | Amount |
| | | | Registration and Return | 1 | 4.55 | 32.50 |
| | | | Postage / handling fee | 1 | 1.82 | 13.00 |
| | | | Service (H) | 3 | 20.58 | 147.00 |
| | | | VAT / BTW | | | 26.95 |
| VAT Reg No. BTW Reg Nr. | 4260262649 | You may require this account to be taxed and vouched before payment. U kan vereis dat hierdie rekening getaksen en gestaaf word voor betaling | | Total Totaal | 219.45 | |
| CHENNELLS ALBERTYN (STELL) P O BOX 1022 STELLENBOSCH 7600 | | | Account No. ♦ Rekening Nr. Your Reference ♦ U Verwysing My Reference ♦ My Verwysing Ret: 116200/Nadia/1 | 51414 7958FB/ek | D Burger Sheriff Balju Deon Burger Balju - Sheriff STRAND Tel: 021 853 7436 Fax: 021 853 7442 P O Box 218 Posbus Strand 7139 strand@sheriffnet.co.za Bank: Absa Bank Strand Name: D Burger t/a Sheriff Strand BrCode: 632005 AccNo: 4079791216 | |
| Registrar: WESTERN CAPE DIVISION | | | | 51414 VatReg 7958FB/ek  | | |

DIVISION

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
NOMZAMU STRAND

Respondents

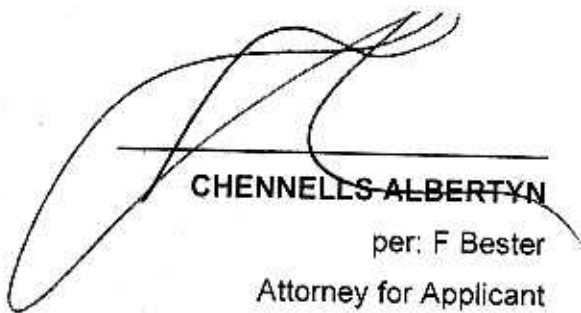


FILING NOTICE

Date on Roll : 24 February 2014

Documents Filed :
1. Supplementary Affidavit – Deon Burger
2. Draft Court Order

DATED at STELLENBOSCH on this 21st day of FEBRUARY 2014.



CHENNELLS ALBERTYN

per: F Bester

Attorney for Applicant

44 Alexander Street

STELLENBOSCH 7600

(Ref: 7958 FB/ek)

c/o Chennells Albertyn

18A Greenwich Grove

Station Road

RONDEBOSCH

TO:
THE REGISTRAR
WESTERN CAPE HIGH COURT

AND TO:
The Sheriff of the High Court

**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

SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

DEON BURGER
(ID number: 690213 5037 084)

do hereby state under oath:

1. I am the Sheriff of the High Court Strand, and I am as such authorized to depose to this Affidavit. The contents herein fall within my personal knowledge and belief, unless otherwise indicated, and are true and correct.
2. On the 27th of January 2014, I received the Notice of Motion attaching the Founding Affidavit by JC van der Walt, as well as Supporting Affidavit and Court Order as granted by the above Honourable Court on the 24th of January



2014. My instructions were set out in paragraphs 3 and 6 thereof. The Order is attached hereto as Annexure "A".

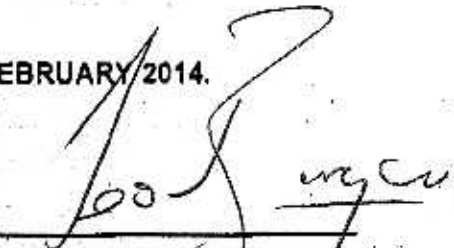
3. On the 28th of January 2014, a meeting was arranged at my offices with the station commanders of Strand and Liwandle Police Stations. Quite a number of planning had to be done, to execute the Court Order and to serve the Notice of Motion in terms of my instructions. I enclose herewith a copy of my letter dated the 29th of January 2014, and directed to Chennells Albertyn Attorneys, the attorneys of record who instructed me to execute the Order on behalf of SANRAL.
4. On the 3rd of February 2014, I, as well as quite a number of members of the South African Police Services attended at the property, described as Erf 32524, Nomzamu, Strand, and I attended to the service of the Notice of Motion with annexures and Court Order in the prescribed manner. I enclose herewith my return as Annexure "F" indicating that the Notice of Motion with annexures and the Court Order were served. We further proceeded to demolish the structures, except those who were already occupied at date of the granting of the Court Order. The property was cleared from structures, but the building material and rubble remained on the premises. The remaining structures which were not demolished were marked with red paint as numbers 1, 2, 3, 4 and 5. I confirm that some of the structures, apart from numbers 1 to 5 as mentioned above, and which were occupied, were vacated voluntarily by the occupants by removing their property and they even demolished their own structures and removed building material.
5. As there was still quite an amount of building material and/or rubble on the premises, which could not be removed by the Applicant's security without the assistance of my offices and the South African Police Services, it was agreed that the South African Police Services will assist again in order to ensure that all the building material will be removed. This operation was attended to on the



19th of February 2014. I am in a position to confirm that the site is now cleared from any building material or other shacks, except the five which were numbered as numbers 1, 2, 3, 4 and 5. I was therefore in a position to hand over the site to the security company acting under instructions from the Applicant, namely Sikhusele Security, as a totally clear property, apart from the five numbered houses as indicated above.

6. Further to the above, I enclose herewith my reports from time to time and addressed to Chennells Albertyn Attorneys and dated 29 January 2014, 4 February 2014, 5 February 2014 and 20 February 2014, marked as Annexure "B", "C", "D" and "E".

DATED at Strand this 20 day of FEBRUARY 2014.


 DEON BURGER

I certify that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was sworn to before me at Strand on this 20 day of February 2013 and that the provisions of the Regulations contained in Government Notice R1258 of 21 July 1972 (as amended) have been complied with.



COMMISSIONER OF OATHS

COMMISSIONER OF OATHS
 BERNHARD DANIEL BOUWER
 PRACTISING ATTORNEY R.S.A.
 120 MAIN ROAD STRAND

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

A
24/01/20

CASE NO: 1114/14

In the application between:

| |
|-------------------------|
| WESTERN CAPE HIGH COURT |
| GENERAL OFFICE, |
| 2014-01-24 |
| CAPE TOWN/KAAPSTAD |
| WES-KAAP HOË HOF |

THE SOUTH AFRICAN NATIONAL
ROADS AGENCY LIMITED

Applicant

and

THE PERSONS INTENDING TO OCCUPY ERF 32524
NOMZAMU STRAND

Respondents

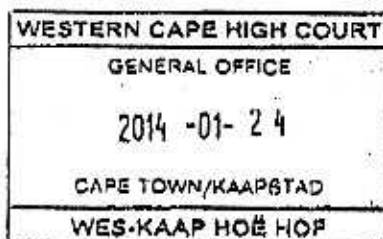
~~DRAFT ORDER~~

HAVING read the papers filed of record and having heard the counsel for the Applicant ex parte an order is hereby made in the following terms:

1. The application is heard as one of urgency and the provisions of Rule 6(12) in respect of notice and service are dispensed with.
2. A rule *nisi* is issued calling upon the Respondents or any other interested person to appear and show cause, if any, to the above Honourable Court on 24th February 2014 at 10h00 or so soon thereafter as the matter may be heard, as to 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; and
- 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. Any Respondents who oppose this application are 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 the 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.

BY ORDER OF THE COURT
COURT REGISTRAR

| |
|-------------------------|
| WESTERN CAPE HIGH COURT |
| GENERAL OFFICE |
| 2014 -01- 24 |
| CAPE TOWN/KAAPSTAD |
| WES-KAAP HOË HOF |



Sheriff (High and Lower Court)
Balju (Hooggerecshof en Landdroshof)
Strand

Deon Burger

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Fax: 021 853 7442

P O Box 2181 Prokura
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4 Kleinbos Ave / Lizaan
Strand 7140

strand@sheriffnet.co.za

PER E-POS: fiona@chennellsalbertyn.co.za

29 Januarie 2014

U Verw: 7958-FB/ek

CHENNELLS ALBERTYN PROKUREURS
STELLENBOSCH

Geagte me Bester

INSAKE: THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED (SANRAL) / THE PERSONS
INTENDING TO OCCUPY ERF 32524-NOMZAMU STRAND
SAAKNOMMER: 11.14/14

Hiermee wil ek u op hoogte bring met die verwikkelinge rondom die saak van SANRAL, saaknommer:
1114/14.

Ek het gister middag 28 Januarie 2014 'n vergadering gehad by my kantoor met die stasiekommisarrise
van die Strand en Lwandle polisie-stasies.

Ook in die vergadering was die hoof van die Onlustebeheereenheid van SAPS, die koördineerder van die
Unie Stad Kaapstad se wetstoepassing en ook die hoof van die Metropolise.

Alle bogenoemde partye tesame met mnr Kat Louw van SANRAL se sekuriteitsafdeling en die kontrakteurs
wat die afbreek en vervoer van bou materiaal gaan behartig sal Vrydagoggend vir 'n finale beplannings
vergadering te Balju kantoor Strand ontmoet.

Om 09h00, Maandag 3 Februarie 2014 is die beplande datum en tyd wat ons die Hofbevel tot uitvoering
gaan bring.

Die feit hoekom die terugvoerlegging van die hofbevel eers op Maandag 3 Februarie 2014 kan geskied is
weens die noukeurige beplanning van die operasie. Daar heers tans 'n plofbare atmosfeer in die
gemeenskap en daarvolgens kan die gebeure rondom die uitvoering van die Bevel hand uit ruk.

Met die voorlopige afspraak met alle hoofde betrokke is dit van so erns dat die N2 deur die verkeer en
metropolise van 09h00, 3 Februarie 2014 gesluit gaan word om oproer en klipgooiery te verhoed. Weens
die Afrika sokker toernooi wat huidige aan die gang is wat op Sondag, 2 Februarie 2014 op einde loop kan
die onlustebeheer eenheid van SAPS nie betrokke raak nie.

Ons is in die bevoorregte posisie om voordat die lede van hierdie spesialis eenhede van die SAPS
terugkeer na hul verskeie Provinsies, Maandag 3 Februarie 2014, hul eers hierdie taak gaan verrig.

Ek hoop en vertrou dat dit in orde met u sal wees.

Vriendelike groete

DEON BURGER
BALJU STRAND



Sheriff (High and Lower Court)
Balju (Hooggeregs Hof en Landdroshof)

Strand

Deon Burger

Fax: 021 853 7442

P.O. Box 218 Durban
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4 Klunbers Ave / Linn
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strand@sheriffnet.co.za

PER E-POS: Fiona@chennellsalbertyn.co.za

4 Februarie 2014

U Verw: 7958 FB/ek

CHENNELLS ALBERTYN PROKUREURS
STELLENBOSCH

Geagte me Baster

INSAKE: THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED (SANRAL) THE PERSONS
INTENDING TO OCCUPY ERF 32524 NOMZAMO, STRAND
SAAKNOMMER: 1114/14

Nat 'n voorlopige samevating oor die gebeure rondom die SANRAL aangeleentheid te ERF 32524,
Nomzamo, Strand.

Alle lede en eenhede betrokke het op 3 Februarie 2014 om 07h30 te Strand polisiestasie ontmoet,
daarvandaan is almal na die gebied waar die Hofbevel moes bedien word.

Die Hofbevel is oor die luidsprekers aan die skare in die drie verskillende tale voorgelêes. Daarna was die
ag kennisgewingsbode met Hofbevel opgerig. Die kennisgewing van mosie is toe beteken op die betrokke
okkupeerders.

Daarna het die afbreek van strukture gevolg. Menser Kat Louw se seun het die strukture genommer wat
moes bly volgens die PIE Wet. Om plus minus 14h00 was daar 'n tpe van traagheid onder die mense wat
wat verantwoordelik was vir die afbreek van die strukture en verwydering van die boumateriaal. Die aspek
was deur myself, Kol Lucas van die SAPS POPS eenheid en Vivian Henry koördineerder van
wetsloepassing aangespreek. Kat Louw en sy kontrakteurs is toe ingelig dat alle materiaal moet opgelaa
en verwyder word want die POPS eenheid van SAPS is net beskikbaar op 3 Februarie 2014 vir bystand.

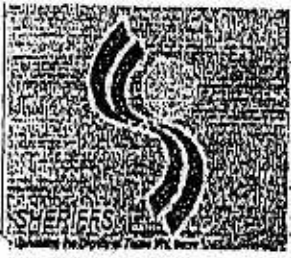
Ek is deur Kol Lucas om 08h00, 4 Februarie 2014 ingelig dat geen nuwe strukture oornag opgerig was nie.
Hierdie stelling is deur Kap Du Toit stasiekommisaris van Lwandle om 13h30 bevestig. Kap Du Toit het
ook bevestig dat daar om 13h00 slegs die gemerkte strukture en die boumateriaal wat versuim was om weg
geneem te word nog daar rond is.

Ek sal persele op 5 Februarie 2014 besoek en vir u terugvoering gee rondom of die boumateriaal verwyder
was deur Kat Louw en sy kontrakteurs.

Vriendelike groete

BALJU STRAND

DEON BURGER



Sheriff (High and Lower Court)
Balju (Hooggeregshof en Landdroshof)
Strand

Deon Burger

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strand@sheriffna.co.za

PER E-POS: Fiona@chennellsalbertyn.co.za

5 Februarie 2014
U-Verw: 7958 FB/ek

CHENNELLS ALBERTYN PROKUREURS
STELLENBOSCH

Geagte me Bester

INSAKE: THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED (SANRAL) THE PERSONS
INTENDING TO OCCUPY ERF 32524 NOMZAMO, STRAND
SAAKNOMMER: 1114/14

Na aanleiding van my vorige skrywe waarin ek voorgeneem het om 'n inspeksie te gaan doen by
ERF 32524, Nomzamo, is my verslag as volg.

Ek en Kol. Plaatjies, hoof van die speurtak te Strand het die persele besoek om 16h00 op
5 Februarie 2014. Ons het toe gevind dat die boumateriaal wat agter gebly het op 3 Februarie 2014
nog steeds op die perseel gestrooi is.

Tydens ons besoek het ons gemerk dat daar lede van die gemeenskap besig was om uit die boumateriaal
wat agter gebly het weer twee strukture op te rig. Dit opnuut is 'n probleem, want ander gemeenskaplede
gaan die voorbeeld volg en die strukture begin beset.

Ons het geen sekuriteit personeel van SANRAL op die perseel gevind wat diens doen om sulke aksies te
verhoed nie. Nog te meer het ek geen kontrakteurs op gemerk wat die material verwyder nie.

Kol. Plaatjies het my meegedeel dat die gemeenskap nou rustig is en dat dit sy mening is dat die
kontrakteurs tesame met sekuriteit nie teenstand sal kry as die boumateriaal verwyder word nie.

Vriendelike groete

BALJU STRAND

Deon Burger
DEON BURGER



Sheriff (High and Lower Court)
Balju (Hooggeregs hof en Landdroshof)
Strand

Deon Burger

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strand@sharifnet.co.za

PER E-POS: Fiona@chennellsalbertyn.co.za

20 Februarie 2014
U Verw: 7958 FB/ek

CHENNELLS ALBERTYN PROKUREURS
STELLENBOSCH

Geagte me Bester

INSAKE: THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED (SANRAL) THE PERSONS
INTENDING TO OCCUPY ERF 32524, NOMZAMO, STRAND
SAAKNOMMER: 1114/14

Gun my net eers die geleentheid om dankie te sê vir jou positiewe e-pos van waardering wat jy aan my gestuur het rondom die hantering van ERF 32524 Nomzamo, Strand.

Ek wil jou net op hoogte bring oor wat gebeur het 19 Februarie 2014. Om 07h30 het alle eenhede betrokke van die Balju, Saps, Metro en Verkeer bymekaar gekom te Saps Strand. Daarna het ons beweeg na die persele in Lwandle waar die res van die materiaal wat agter gebly op het 3 Februarie 2014 verwyder was. Die gemeenskap was rustig sonder enige insedente.

Ons het om 13h15 vertrek uit Lwandle na ahandellings van die dag se verrigtinge.

Ek is besig met jou relaas en sal dit so spoedig moontlik aan jou stuur.

Van my kant af, wil ek jou en jou firma bedank en waardering uitspreek op die professionele manier waarmee julle die aangeleentheid hanteer het.

Vriendelike groete

BALJU STRAND

DEON BURGER