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IN DIE HOË HOF VAN SUID-AFRIKA

[Noord-Kaap Hoë Hof, Kimberley]

Saaknommer: 1061/2008

1073/2009

Datum Verhoor: 2009-06-26

Datum Gelewer: 2009-07-03

_____ :

DJ LIB ONDERNEMINGS BK

1^{STE} APPLIKANT

HKB EIENDOMME BK

2^{DE} APPLIKANT

NICOLAAS JACOBUS MARIAS VISSER

3^{DE} APPLIKANT

KARIN HELENA VISSER

4^{DE} APPLIKANT

HESTER JOHANNA ALETTA MARIA VENTER

5^{DE} APPLIKANT

ANDRÉ VAN DEN HEEVER

6^{DE} APPLIKANT

JAKOBUS CHRISTOFFEL ZANDBERG

7^{DE} APPLIKANT

GERTRUIDA ELIZABETH ZANDBERG

8^{STE} APPLIKANT

EN

DIE KAMMIESBERG MUNISIPALITEIT

1^{STE} RESPONDENT

DIE WAARDASIERAAD: DIE KAMIESBERG
MUNISIPALITEIT

2^{DE} RESPONDENT

REGISTRATEUR VAN AKTES: KAAPSTAD

3^{DE} RESPONDENT

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if a competent authority in the opinion of the MEC fails to exercise or perform satisfactorily its powers and duties in terms of subsection (1), the MEC may, subject to the provisions of section 139 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and, if so requested and after having received a report following an

inquiry into the matter by the Northern Cape Planning and Development Commission, and after informing that competent authority in writing, withdraw any approval or authorisation granted by the competent authority, exercise the powers and perform the duties of the competent authority and recover from the competent authority any amount spent by the MEC in that connection, or instruct the competent authority as to the steps to be taken by it in order to ensure compliance with subsection (1), and such instruction shall in law override any decision of the council of that competent authority.”

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(1) Behalwe vir sover hierdie of 'n ander wet anders bepaal, mag 'n registrateur 'n geregistreerde grondbrief, transportakte, titelsertifikaat of ander akte wat 'n eiendomsreg op grond of 'n ander saaklike reg op grond as 'n verband, verleen of oordra, en 'n sessie van 'n geregistreerde verband nie as sekuriteit gedaan nie, alleen maar op las van die hof rojear.

(2) Wanneer 'n akte wat eiendomsreg op grond of 'n ander saaklike reg op grond as 'n verband verleen of oordra, volgens voorskrif van subartikel (1) gerojear word, herleef die akte waarkragtens die grond of daardie saaklike reg op grond gehou was onmiddellik voor die registrasie van die akte wat gerojear word, tot die mate van sodanige rojering, en die registrateur rojear die relevante aantekening daarop wat getuig van die registrasie van die gerojearde akte.”

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