

**IN THE HIGH COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)**

CASE NO.: 1511/2006

DATE HEARD:21-06-2007

DATE DELIVERED:17-08-2007

In the matter between:

THE MINISTER OF PUBLIC WORKS

Applicant

And

A A NIEUWOUDT AND
OTHERS

Individual

Respondents (as
per annexure "A"

(as amended) hereto)

SA NATIONAL PARKS BOARD

Second

Respondent

MINISTER OF MINERAL AND ENERGY AFFAIRS

Third

Respondent

MINISTER OF LAND AFFAIRS AND AGRICULTURE

Fourth Respondent

MINISTER OF ENVIRONMENTAL AFFAIRS

AND TOURISM

Fifth Respondent

MEC FOR LOCAL GOVERNMENT

Sixth

Respondent

NAMAQUA DISTRICT

Seventh

Respondent

MUNICIPALITY KAMIESBERG MUNICIPALITY

Eight

Respondent

CORAM: C.C WILLIAMS J:

J U D G M E N T

WILLIAMS J:

1.The applicant in this matter is the Minister of Public Works who has by law been assigned as the custodian of state-owned land situated on the southern bank of the Groenriviermond and between the high water mark of the Atlantic ocean and the western boundaries of the farms klipkuil 547, Eiland Punt Noord 549 and Eiland Punt Zuid 550 in the Namaqualand.

2.It is common cause that A.A. Nieuwoudt and Others, cited as the individual respondents, a group comprising of 91 individual respondents, occupy the said state-owned land which is unsurveyed, unregistered and unalienated, without the tacit or express consent of the State, the owner thereof.

3.On 6 December 2006 the applicant launched an application for inter alia, the eviction of the individual respondents from the State-owned land and the demolition of the structures.

4.On 8 December 2006 when the matter first came before court a rule nisi was issued calling upon the individual respondents to show cause, if any on 23 March 2007 why an order in the following terms should not be made:

“1.1ordering the eviction of the individual respondents referred to in annexure “A” annexed hereto from the state-owned land being unsurveyed, unregistered and unalienated situated on the southern bank of the groenriviermond and between the high-water mark of the Atlantic Ocean and the western boundaries of the farms Klip Kuil 547, Eiland Punt Noord 549 and Eiland Punt Zuid 550 in the Namaqualand district;

1.2ordering the said individual respondents to demolish and/or remove all structures erected thereon by them on the said land without the express or tacit consent of the state, within a period of 30(thirty) days of the order in paragraph 1.1 above, at their own cost and expense;

C.C WILLIAMS
JUDGE

Counsel for Applicant: Adv N Arendse SC (State Attorney, Cape Town) With
Adv. J. Krige

Counsel for the Individual Respondents: Adv. Reinders