

Reportable:	YES / NO
Circulate to Judges:	YES / NO
Circulate to Regional Magistrates:	YES / NO
Circulate to Magistrates:	YES / NO



**IN THE HIGH COURT OF SOUTH AFRICA
(NORTHERN CAPE DIVISION, KIMBERLEY)**

Case no: 181/2024

In the matter between:

GA-SEGONYANA LOCAL MUNICIPALITY

Applicant

and

OLD DIKWENG COMMUNAL PROPERTY ASSOCIATION

1st Respondent

**UNLAWFUL OCCUPIERS OF; AND PERSONS INTENDING
TO UNLAWFULLY OCCUPY FARM NO. 165 PORTION 1
(THE REMAINING EXTENT) OF THE FARM PHAKANE,
FARM NO 165 NORTHERN CAPE PROVINCE**

2nd Respondent

**THE MINISTER OF PUBLIC WORKS
AND INFRASTRUCTURE**

3rd Respondent

AND

Case no: 3179/2024

In the matter between:

GA-SEGONYANA LOCAL MUNICIPALITY

Applicant

and

ANTHONI KHOZA

1st Respondent

UNLAWFUL OCCUPIERS OF; AND PERSONS INTENDING

**TO UNLAWFULLY OCCUPY THE AREA INDICATED BY
FIGURES “STUV” AND “WXYZ” LOCATED ON FARM
NO. 165 PORTION 1 (THE REMAINING EXTENT)
THE FARM PHAKANE, FARM NO 165
NORTHERN CAPE PROVINCE**

2nd Respondent

OLD DIKWENG COMMUNAL PROPERTY ASSOCIATION

3rd Respondent

THE NATIONAL MINISTER OF PUBLIC WORKS

4th Respondent

Neutral citation: *Ga-Segonyana Local Municipality v Old Dikweng Communal Property Association and Others* (181/2024);
Ga-Segonyana Local Municipality v A Khoza and Others
(3179/2024) 07 October 2025.

Coram: STANTON J

Heard: 26 August 2025.

Delivered: 07 October 2025.

Summaries: *Ga-Segonyana Local Municipality v Old Dikweng Communal Property Association and Others* (181/2024) – Urgent application for eviction and interdicts in respect of immovable property – State is the owner of the land – Municipality does not have locus standi – Application dismissed.

Ga-Segonyana Local Municipality v A Khoza and Others (3179/2024) – Urgent application for cessation of building activities and removal of illegal structures – Tribal land falls within Spatial Planning and Land Use Management Act 16 of 2013 (“SPLUMA”) – Demolition not ordered – Ordering compliance with SPLUMA just and fair.

ORDER

In *Ga-Segonyana Local Municipality v Old Dikweng Communal Property Association and Others* (181/2024):

1. The rule *nisi* is discharged.

2. Part A and B of the application are dismissed.
3. The applicant shall pay the first respondent's costs on a party and party scale B as set out in Rule 69(7) read with Rule 67A(3) of the Uniform Rules of Court.

In Ga-Segonyana Local Municipality v A Khoza and Others (3179/2024):

1. The rule *nisi* issued in respect of the first respondent is discharged.
2. The second and third respondents, including Mr TCJ Matolo, are interdicted and ordered to cease all building activities, renovations, paving, plumbing, landscaping and/or any other related activities, and/or commencing with the erection of new structures on the property on the area indicated by way of figures "STUV" and "WXYZ" on annexure MT1 to the founding affidavit, located on Farm No. 165, (Remaining Extent, the Farm Phakane, Farm No. 165, Northern Cape Province), without complying with s 33(1) of the Spatial Planning and Land Use Management Act 16 of 2013.
3. The applicant is ordered to provide the second and third respondents with the requirements for the submission of building plans (and the requirements for the subsequent approval thereof), in writing, within 30 (thirty) days of this order.
4. The second and third respondents, including Mr TCJ Matolo, are ordered to comply with such requirements within three (3) months of the provision thereof.
5. No person shall reside or occupy or continue to reside within any structure on the property on the area indicated by way of figures "STUV" and "WXYZ" on annexure MT1 to the founding affidavit, located on Farm No. 165, (Remaining Extent, the Farm Phakane, Farm No. 165, Northern Cape Province) until there is full compliance with s 33(1) of the Spatial Planning and Land Use Management Act 16 of 2013.

6. The third respondent shall pay the applicant's costs on a party and party scale B as set out in Rule 69(7) read with Rule 67A(3) of the Uniform Rules of Court.

JUDGMENT

Stanton J

Case number 181/2024:

Introduction:

- [1] On 25 January 2024, on an urgent *ex parte* basis, the following relief was granted to the Ga-Segonyana Local Municipality ("the Municipality"):
 - 1.1 Consent for the issuing and service under the provisions of s 4(2) and s 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 ("PIE") in respect of the first respondent, the Old Dikweng Communal Property Association ("the CPA") and the second respondent, the unlawful occupiers of and persons intending to unlawfully occupy ("the occupiers") (jointly "the respondents") Farm No. 165 Portion 1 (the Remaining Extent) of the Farm Phakane ("the farm");
 - 1.2 A rule *nisi* was issued, calling upon the respondents to show cause why the following interdictory relief should not be made final:
 - 1.2.1 The CPA be interdicted and restrained from in any way or manner interfering with or dealing with the farm, not limited to claiming or holding out to have authority to dispose, allocate or alienate land;
 - 1.2.2 The CPA be interdicted from inviting, enticing, promoting or in any manner, whether directly or indirectly, encouraging the occupiers,

or any other persons, from moving onto, and or occupying the farm, without the Municipality's written consent;

1.2.3 The respondents be interdicted and restrained from erecting any further homes and/or abodes and/or dwellings and/or other structures on the farm;

1.2.4 The respondents be interdicted and restrained from taking any further occupation and/or occupying and/or inhabiting any home and/or dwelling and/or abode and/or other structure, which might have been erected on the farm or any portion thereof;

1.2.5 The respondents be prohibited from conducting any activity whatsoever on the farm that is aimed either directly and/or indirectly at establishing a home and/or dwelling and/or abode and/or other structure on the farm; and

1.2.6 The respondents be interdicted from trespassing on the farm or committing any offence in terms of s 1 of the Trespass Act 6 of 1959.

("the main application")

[2] In Part B of the main application, the Municipality seeks an order for the eviction of any person forming part of the respondents and the demolition of all structures erected on the farm.

[3] On 08 March 2024, the rule *nisi* was extended, and the following two further interim orders with immediate effect were incorporated therein by agreement:

3.1 Any person forming part of the respondents who might have taken occupation of any home, dwelling, abode, shack and/or structure on the farm, be evicted;

3.2 The respondents be ordered to demolish and remove any structures they may have erected on the farm;

3.3 Should such a person who might have taken occupation of any home, dwelling, abode, shack and/or structure on the farm not immediately vacate same together with his/her belongings and demolish and remove such structure by not later than 12h00, 45 days after the granting of the final order, the Municipality and/or the sheriff for the district of Kuruman, assisted by the South African Police Service, be authorised and ordered to forthwith evict such a respondent from the structures and to demolish and remove the structures from the farm.

("the additional interdict")

- [4] On 26 July 2024, by agreement, the additional interdict was amended to reflect that it would not operate with immediate effect.
- [5] The rule *nisi* was extended on various occasions, and it was ordered that it should be adjudicated simultaneously with the interlocutory application issued by the Municipality under case number 3179/2024 ("the interlocutory application"). The two matters were heard on 26 August 2025, the final return date of both rules *nisi*.
- [6] Only the CPA opposes the application.
- [7] On 25 October 2024, the Minister of Public Works and Infrastructure ("the Minister") was joined by the Municipality as the third respondent.

The Municipality's case:

- [8] The Municipality, in support of the relief sought, states that it is enjoined to issue the main application as:

8.1 It is the owner of the farm as the farm is registered in the name of the North West Provincial Government under title deed T731/1979BPA;

- 8.2 It did not grant the occupiers consent to occupy or to erect structures on the farm;
- 8.3 It is the person in control of the farm as defined in PIE;
- 8.4 It is empowered by s 151(3) of the Constitution of the Republic of South Africa, 1996 ("the Constitution") to govern the local government affairs within the municipal districts of *inter alia* Kuruman, Mothibistad and Kudumane, within which area the farm is located;
- 8.5 By virtue of s 156(1) of the Constitution, it is the executive authority in respect of and it has the right to administer local government matters pertaining to *inter alia* housing, population, development, regional planning and development, welfare services, building regulations, municipal health services, and water and sanitation services.

[9] The Municipality furthermore contends that it is entitled to the interdictory relief, based on the provisions of PIE.

The CPA's case:

[10] The gist of the CPA's opposition to the main application is that the Municipality is not the owner of the farm, but that the CPA is either the owner of the farm, historically as tribal land of the CPA's members, or that it has been granted permission by the owner of the farm to occupy same. It hence persists that the occupiers are in lawful occupation of the farm and that the Municipality does not have the necessary *locus standi* to act herein.

[11] In addition, the CPA raises the following points in *limine*:

- 11.1 PIE does not find application, and an application under the Extension of Security of Tenure Act 62 of 1997 falls within the purview of the Land Claims Court;

- 11.2 It asserts that the Municipality has failed to join the Department of Cooperative Governance, Human Settlements and Traditional Affairs (“COGHSTA”), the Seeding Sub Tribal Authority and the Batlhaping Ba Phudutswana Ba Ga Jantjie Tribal Authority, the owners of the farm;
- 11.3 The Municipality has failed to make out a case for urgency; and
- 11.4 The Municipality did not comply with Rule 41A of the Uniform Rules of Court or with s 4 and 6 of PIE.
- [12] On 09 November 2024, an explanatory affidavit in the interlocutory application was filed on behalf of the Minister (“the explanatory affidavit”).
- [13] The Municipality did not file a replying affidavit (or a supplementary affidavit) to the CPA’s answering and supplementary affidavits. Neither did it file an affidavit in response to the Minister’s explanatory affidavit.

Evaluation:

- [14] The explanatory affidavit is pertinent to the adjudication of the main application and states:
- ‘3.1.1 The land in question is currently vested in the Department of Rural Development and Land Reform, proof of this can be found on the extract from the Land Administration Site system annexed and marked DPW1;
- 3.1.2 The Applicant is seeking an eviction order to be granted against the CPA and illegal occupiers under case number 181/2024, before this honourable court;
- 3.1.3 The Applicant is not the owner of nor the person in charge of the land in question; and
- 3.1.4 There is no proof that the land owner, the Department of Rural Development and Land Reform, has authorised the Municipality (Applicant herein) to act against illegal invaders.’

- [15] The Municipality concedes in its heads of argument in the interlocutory application that it is not the owner of the farm, and that it could thus not proceed with the main application relying on the provisions of PIE; and that the respondents are in lawful occupation of the farm.
- [16] Mr SJ Rautenbach, on behalf of the Municipality, attempted to persuade me to grant the remaining relief pertaining to the demolishing of the structures. This argument is unmeritorious as the Municipality placed no reliance on the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") in the main application.

Conclusion:

- [17] The Municipality is not the registered owner of the farm and the occupiers are in lawful occupation thereof.
- [18] The point in *limine* pertaining to the Municipality's *locus standi* is dispositive of the matter, and I therefore do not deal with the merits of the main application or the remaining points in *limine*.
- [19] As a result, the rule *nisi* granted on 25 January 2024, together with the interdictory relief, should be discharged.

Costs:

- [20] In my view, the Municipality should have, at the earliest, on 10 November 2024, requested that the rule *nisi* be discharged, and also withdraw Part B of the main application. It, however, failed to do so. The Municipality, albeit on the incorrect basis of SPLUMA, persisted with the application, I am, however, not persuaded that this justifies a punitive cost order in respect of the period from 10 November 2024.
- [21] Wherefore the following order is made in case number 181/2024:
1. The rule *nisi* is discharged.

2. Part A and B of the application are dismissed.
3. The applicant shall pay the first respondent's costs on a party and party scale B as set out in Rule 69(7) read with Rule 67A(3) of the Uniform Rules of Court.

Case number 3179/2024:

Introduction:

[22] On 29 November 2024, whilst the main application was pending, the Municipality issued the interlocutory application on an urgent basis, requesting that:

- 22.1. The first respondent, Mr A Khoza and the second respondent, the unlawful occupiers of, and persons intending to occupy ("the occupiers") the area indicated by way of figures "STUV" and "WXYZ" on annexure MT1 to the founding affidavit, located on Farm No. 165, (Remaining Extent, the Farm Phakane, Farm No. 165, Northern Cape Province) ("the properties") be interdicted and ordered to cease all building activities, renovations, paving, plumbing, landscaping and/or any other related activities, pertaining to the illegal construction erected on the properties;
- 22.2. Mr Khoza and the occupiers be ordered to take all necessary steps to remove any and all illegal constructions on the properties within 15 days, failing which, the Municipality be authorised to remove the illegal structures, at the costs of Mr Khoza and the occupiers; and
- 22.3. In the alternative to prayers referred to in paragraphs 22.1 and 22.2 above, a rule *nisi* be issued on similar terms and that Mr Khoza and the occupiers be interdicted and restrained from in any way or manner interfering with or dealing with the properties that belong to the Municipality.

The Municipality's case:

- [23] The interlocutory application concerns a larger portion of the farm than the main application.
- [24] On 14 November 2024, the Municipal officials visited the properties to monitor whether possible illegal occupation had taken place since the rule *nisi* in the main application had been granted. During the site visit, they noted that flats or townhouses were being constructed, and a foundation for a house was prepared. The builders on the site refused to provide the officials with the names of the owners. The Municipality avers that, despite the pending main application, it is obliged to approach the Court on an urgent basis for a further interdict as the illegal construction of buildings continued.
- [25] On 15 November 2024, a notice in terms of s 32(2)(a) of SPLUMA, and a notice in terms of the National Building Regulations and Building Standards Act 103 of 1977 ("the Building Standards Act") was issued to Mr Khoza as he appeared to be the head contractor on the site. Mr Khoza indicated that he is merely the builder and not the owner of the building.
- [26] Despite the notices, the construction continued, taking place on un-serviced land without the provision of water, sewerage or electricity.
- [27] The Municipality contends that it has established a clear right to the relief sought as:
- 27.1 The properties fall within the jurisdictional boundaries of the Municipality;
- 27.2 The Municipality has a duty to prevent the construction and occupation of the structures by virtue of s 151(3), 156(1) and 24 of the Constitution;
- 27.3 The Municipality is entitled to exercise all powers and duties entrusted to it by law, which includes the functions prescribed by the Building Standards Act and its regulations,¹ that stipulate: (a) Persons may only

¹ National Building Regulations, GN R2378, GG 12780, 12 October 1990.

commence with building works after a municipality has approved the building plans (s 4 of the Building Standards Act, read with regulation A1, A2 and A4); (b) It is prohibited to use a building for any other purpose than the purpose indicated on, and for which the building plans were approved (regulation A25(1)); (c) Any material deviation from a building plan must be approved (regulation A25(5)); (d) A municipality is empowered to serve a notice on a person not complying with regulation A25(5) to immediately stop the erection of the building or to comply with the plan; and (e) In terms of regulation A25(7), a municipality may serve a notice on the owner of the building, ordering such owner to rectify or demolish the building in question.

27.4 Section 32(1) and (2) of SPLUMA, in part, stipulate:

- '(1) A municipality must pass by-laws aimed at enforcing its land use scheme.
- (2) A municipality may apply to a court for an order –
 - (a) Interdicting any person from using land in contravention of its land use scheme;
 - (b) Authorising the demolition of any structure erected on land in contravention of its land use scheme ...;
 - (c) Directing any other appropriate preventative or remedial measure.'

[28] The Municipality maintains that it has made out a case for a final interdict as:

- 28.1 Irreparable harm will occur if the unlawful construction is allowed to continue, which includes a plethora of health hazards and violations not limited to: (a) detrimental unhealthy and unhygienic conditions to the occupiers contrary to environmental law, resulting from the discharge of sewerage; (b) unlawful electrical connections that may result in fatalities

and fires; and (c) the negative impact on the planned development of the land; and

28.2 It has no alternative remedy as the illegal construction has not ceased.

The respondents' case:

[29] Mr Khoza and the CPA (jointly "the respondents") opposed the application. In addition to their opposition on the merits of the application, they raised three points in *limine*: (a) Lack of *locus standi* and jurisdiction; (b) The misjoinder of the occupiers as they are in lawful occupation of the land by virtue of their membership of the CPA; and (c) Lack of urgency.

[30] The occupiers did not oppose the application. The Minister filed the explanatory affidavit and a notice to abide.

[31] According to the respondents:

31.1 The land in question is registered in the name of the National Minister of Public Works. Further, on 24 July 1992, the South African Government allocated the land to the Batlhaphing Ba Phudutswana Ba Ga Jante Tribal Authority that granted the CPA permission to occupy the land on 15 November 2017;

31.2 The Municipality's By-Laws are not applicable to the CPA or to Mr Khoza, the contractor who is not a member of the CPA. The reason being that the structures are situated on tribal land, with the result that the occupiers are lawful occupiers and all structures are thus legal; and

31.3 The CPA granted permission to Mr TCJ Matolo, the owner of the building and a member of the CPA, to occupy and erect structures on the portion of the farm.

[32] After hearing argument, a rule *nisi* was granted on 09 December 2024, with a return date of 28 February 2025. The rule *nisi* was thereafter extended on various occasions, to be heard with the main application.

[33] Mr JC Tredoux, on behalf of the CPA, argued that it is not competent to grant the relief against the respondents:

33.1 Due to the concession by the Municipality in the main application that occupiers of the farm are in lawful occupation, and the second respondent (cited as unlawful occupiers) does therefore not exist; and

33.2 The Municipality should have cited Mr Matolo as Mr Khoza is merely his contractor and not the owner of the structure.

[34] In addition, he submitted that the rule *nisi* should be discharged as:

34.1 The Municipality lacks *locus standi* and does not have jurisdiction over the properties;

34.2 The Municipality failed to prove that the land in question falls within its municipal boundaries, and failed to establish a clear right, irreparable harm or that it does not have a satisfactory alternative remedy; and

34.3 The Municipality failed to prove the continued construction activities as the structures were erected prior to the launch of the interlocutory application.

Evaluation:

[35] The crux of the matter for adjudication is whether the Municipality has *locus standi* in respect of the relief it seeks.

[36] The first question to be answered is whether the properties fall within the jurisdictional boundaries of the Municipality.

[37] I am satisfied that the objective evidence provided by the Municipality,² the CPA³ and the Minister's Land Administration Site System document⁴ confirm that the farm Phakane falls within the jurisdiction of the Greater Kuruman Development area, and therefore, within the jurisdictional boundaries of the Municipality.

[38] The next question to be answered is whether the Municipality can assert its authority over the properties constructed on tribal land.

[39] SPLUMA clearly seeks to ensure a consistent approach to town planning in South Africa. The SPLUMA preamble recognises the fact that:

'...many people in South Africa continue to live and work in places defined and influenced by past spatial planning and land use laws and practices which were based on racial inequality, segregation and unsustainable settlement patterns; ...

it is necessary that a uniform, recognisable and comprehensive system of spatial planning and land use management be established throughout the Republic to maintain economic unity, equal opportunity and equal access to government services; ...

principles, policies, directives and national norms and standards required to achieve urban, rural, municipal, provincial, regional and national goals and objectives through spatial planning and land use management should be established.'

[40] Section 2 of SPLUMA provides:

'(1) This Act applies to the entire area of the Republic and is legislation enacted in terms of -

(a) section 155 (7) of the Constitution insofar as it regulates municipal planning; and

(b) section 44 (2) of the Constitution insofar as it regulates provincial planning.

² Replying affidavit para 49 and annexure R14.

³ Supplementary affidavit para 38 and annexure SA1 at 221.

⁴ Annexure DPW1 to the Explanatory affidavit from the Minister of Public Works at 161.

(2) Except as provided for in this Act, no legislation not repealed by this Act may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of this Act.' (My emphasis underlined.)

[41] Section 24(2)(c) of SPLUMA provides that a land use scheme adopted in terms of subsection (1) must:

'...include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme.' (My emphasis underlined.)

[42] Useful guidance can be sought in *Fono and another v Port St Johns Municipality*⁵ ("*Fono*"), where the headnote reads:

'The second appellant (a tribal authority) acquired land pursuant to a land claim lodged in terms of the Restitution of Land Rights Act 22 of 1994. The first appellant (Mr Fono) began construction on the land without any approved building plans. After a municipal official visited the land, Mr Fono was issued with a letter informing him that he was in breach of municipal town planning and building by-laws, the provisions of the National Building Regulations and Building Standards Act (the Building Standards Act) and the Spatial Planning and Land Use Management Act (SPLUMA). It was demanded that he cease building operations immediately. He did not comply and the municipality launched an urgent application in the High Court for appropriate relief. The court of first instance dismissed the application, upholding Mr Fono's contention that the Building Standards Act was not applicable in the territory of the former Transkei. It also found that the municipality was unable to prove that Mr Fono had contravened the provisions of either its by-laws or SPLUMA. However, the full court upheld an appeal by the municipality. That led to the present appeal ... [before the Supreme Court of Appeal where it was *inter alia* held that s 32 of SPLUMA] empowered a municipality to appoint a municipal official or any other person as an inspector to investigate any non-compliance with its land use scheme.' (My emphasis underlined.)

[43] In a very recent unreported judgment of *Ulundi Municipality v Mpungose and*

⁵ [2024] JOL 67694 (SCA).

Others,⁶ the Court came to the conclusion that municipalities were required to extend their planning and land use management beyond the traditional township boundaries; and that SPLUMA applies to all land in South Africa including tribal land, although it is not strictly enforced in tribal areas. (My emphasis underlined.)

Conclusion:

- [44] I am persuaded that SPLUMA applies to the properties, and that the Municipality has the jurisdictional authority to enforce the provisions of the Building Standards Act and SPLUMA within its area of jurisdiction.
- [45] It consequently follows that the Municipality can exercise its right to enforce these provisions irrespective of whether the occupants are lawfully or unlawfully occupying the land on which the structures are erected. The point *in limine* pertaining to the misjoinder of the occupiers stands to be dismissed.
- [46] I am also satisfied that the Municipality has established that it: (a) Has a clear right; (b) Has no alternative remedy in the circumstances, and (c), Has an apprehension of irreparable harm if the relief is not granted. The point *in limine* pertaining to a lack of urgency stands to be dismissed in light of the apprehension of irreparable harm under the circumstances.
- [47] SPLUMA's preamble recognises the fact that 'many people in South Africa continue to live and work in places defined and influenced by past spatial planning and land use laws and practices which were based on racial inequality, segregation and unsustainable settlement patterns'.
- [48] Section 32(2)(c) of the SPLUMA grants municipalities a broad discretion. It allows a municipality, in the event of a contravention of its land use scheme, to apply for an interdict, a demolition order or an order 'directing any other appropriate preventative or remedial measure'. There can accordingly be little doubt that courts have a wider discretion in respect of the type of relief they may grant in the event of non-compliance with s 33 of the SPLUMA.⁷ That discretion

⁶ (6551/2020) [2025] ZAKZPHC 73 (24 July 2025) at paras 11 – 13.

⁷ *Fono supra* fn 5 para 47.

must, of course, be exercised judiciously and will depend on the facts of each case.

[49] The Municipality persists that the structures should be demolished. I consider that if demolition was to be ordered, some owners might lose a considerable amount of money as the construction is well underway.

[50] In terms of s 32 of the SPLUMA, a municipality is empowered to appoint a municipal official or any other person as an inspector to investigate any non-compliance with its land use scheme. Section 32(5) vests extensive powers in the duly appointed municipal official or inspector. And in terms of s 32(11), such a functionary may issue a compliance notice, in the prescribed form, to the person in charge of the property.

[51] In my view, an order in these terms must be preferable to a demolition order. It will ensure that the individuals will only be allowed to proceed with the construction after a duly appointed official has inspected the property, the individuals have submitted the necessary building plans for approval and have complied with any compliance notice issued by that official. Should they fail to comply, the Municipality will have the option of applying to a competent court for a demolition order, on the same papers, duly supplemented, if necessary.

[52] The rule *nisi* granted in respect of Mr Khoza was, however, not competent and should be discharged as he was Mr Matolo's contractor.

[53] Although Mr Matolo was not cited by name, he is a member of the CPA, and the orders granted should also be binding on him.

[54] For these reasons, I make the following final order:

1. The rule *nisi* issued in respect of the first respondent is discharged.
2. The second and third respondents, including Mr TCJ Matolo, are interdicted and ordered to cease all building activities, renovations, paving, plumbing, landscaping and/or any other related activities, and/or

commencing with the erection of new structures on the property on the area indicated by way of figures "STUV" and "WXYZ" on annexure MT1 to the founding affidavit, located on Farm No. 165, (Remaining Extent, the Farm Phakane, Farm No. 165, Northern Cape Province), without complying with s 33(1) of the Spatial Planning and Land Use Management Act 16 of 2013.

3. The applicant is ordered to provide the second and third respondents with the requirements for the submission of building plans (and the requirements for the subsequent approval thereof), in writing, within 30 (thirty) days of this order.
4. The second and third respondents, including Mr TCJ Matolo, are ordered to comply with such requirements within three (3) months of the provision thereof.
5. No person shall reside or occupy or continue to reside within any building on the property on the area indicated by way of figures "STUV" and "WXYZ" on annexure MT1 to the founding affidavit, located on Farm No. 165, (Remaining Extent, the Farm Phakane, Farm No. 165, Northern Cape Province) until there is full compliance with s 33(1) of the Spatial Planning and Land Use Management Act 16 of 2013.
6. The third respondent shall pay the applicant's costs on a party and party scale B as set out in Rule 69(7) read with Rule 67A(3) of the Uniform Rules of Court.



STANTON J
JUDGE OF THE HIGH COURT
NORTHERN CAPE DIVISION

Appearances

On behalf of the applicant: Adv JS Rautenbach
 On instruction of: Peyper Attorneys
 Care of: Van de Wall Inc.

On behalf of the third respondent: Adv JC Tredoux
 On instruction of: Matlejoane Attorneys