



IN THE LAND COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: LanC21R2024

Magistrate's Court Case Number: 26/2024

- (1) REPORTABLE: Yes ☐ / No ☒
(2) OF INTEREST TO OTHER JUDGES: Yes ☒ /
No ☐
(3) REVISED: Yes ☐ / No ☒

Date: 17 October 2025

Signature: 

In the review proceedings in the case between:

SANET SMIT N.O
(PREVIOUSLY STANDER)

First Applicant

JANET STANDER N.O

Second Applicant

JANNIE JOHAN STANDER N.O

Third Applicant

ANNA CATHARINA COETZEE N.O
(IN THEIR CAPACITIES AS
TRUSTEES FOR TIME BEING
OF THE STANDER FAMILY TRUST
and

Fourth Applicant

SAKHIWO TAWENI

First Respondent

ALL OTHER UNLAWFUL OCCUPANTS

Second Respondent

BERGRIVIER LOCAL MUNICIPALITY

Third Respondent

**MINISTER OF AGRICULTURE,
LAND REFORM AND
RURAL DEVELOPMENT**

Fourth Respondent

ORDER

It is ordered that:

1. The First and Second Respondents are ordered to vacate Portion 33 of the Farm Tweefontein No 81, Piketberg, Western Cape Province, on or before 15 January 2026.
2. Should they fail to vacate the aforementioned property on 15 January 2026, the Sheriff for the area is authorised to secure their eviction on 16 January 2026.
3. Upon vacating the property, should the need arise, the Third Respondent shall assist the Respondent in obtaining emergency accommodation.

JUDGMENT

Meer J,

[1] This matter came before me on automatic review on 31 October 2024. The parties were informed that the review would stand over until a determination by a Full Court of the Land Court. The determination concerned *inter alia* the applicability of the mediation provision in the amended Section 11(2) of the Extension of Security of Tenure Act 62, of 1997, to cases that were pending on 1 April 2024, the date of the amendment which introduced the mediation provision. This matter was pending before the Piketberg Magistrate's Court on that date. The notice of motion in the Picketberg Magistrate's Court is dated 5 March 2024 and the matter was still pending as of 1 April 2024.

[2] The judgment of the Full Court in LCC130 /2023 and several other cases, was handed down on 30 September 2025. Paragraph 4 of the Court's order makes clear that the mediation requirement in Section 11(2)(b) of ESTA does not apply to eviction proceedings that were instituted in and pending before the Magistrates Court and Land Court before 1 April 2024. Accordingly, the mediation provision does not apply in the instant case.

[3] I note moreover that the circumstances of this case pertaining as they do to the termination of a right of residence on a determinable date, namely the termination of the First Respondent's contract of employment, fall within the purview of Section 11(1) of ESTA, which is not hit by the mediation requirement, such being applicable only to Section 2 of ESTA.

[4] The facts make clear that the First Respondent's right of residence was terminated in accordance with Section 8(2) of ESTA after he was dismissed in accordance with the Labour Relations Act. They also make clear that all other substantive and procedural requirements as set out in Section 8(2) read with Section 9 of ESTA were satisfied. I accordingly intend confirming the eviction order save as to amend the dates specified therein.

Order

[5] I order as follows:

5.1 The First and Second Respondents are ordered to vacate Portion 33 of the Farm Tweefontein No 81, Piketberg, Western Cape, on or before 15 January 2026.

5.2 Should they fail to vacate the aforementioned property on 15 January 2026, the Sheriff for the area is authorised to secure their eviction on 17 January 2026.

5.3 Upon vacating the property, should the need arise, the Third Respondent shall assist the Respondents in obtaining emergency accommodation.

A handwritten signature in black ink, appearing to be 'Y.S. Meer', is written over a solid black rectangular redaction box. The signature is slanted upwards to the right.

Y.S MEER

Acting Judge, Land Court