



**IN THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION, MAHIKENG**

CASE NO: M164/2023

In the matter between:

MANKUROANE TSHEPO FREDRICK

First Applicant

**BAPHUDUHUCWANA TRADITIONAL
COUNCIL**

Second Applicant

**RETHUSE RE DIRE PRIMARY
AGRICULTURAL COOPERATIVE LIMITED**

Third Applicant

And

BUTI SEKAMOENG

First Respondent

KGOLOLO KGAMANYANE

Second Respondent

MXOLISI GOTYANA

Third Respondent

OLEBILE GAOKUMELWE

Fourth Respondent

GAOBUSE AOBAKWE

Fifth Respondent

MARUPING ERIC

Sixth Respondent

PHOLO TUMELO

Seventh Respondent

CHIPETA JAMES

Eighth Respondent

**THE UNLAWFUL OCCUPIERS OF THE LAND
NEXT TO N18 ROAD STARTING FROM THE
ENTRANCE OF TAUNG EXPERIMENTAL
FARM TO ITIRELENG VILLAGE**

Ninth Respondent

**THE UNLAWFUL OCCUPIERS OF THE LAND
SITUATED IN TAUNG AT THE CORNER OF N8
AND R372 ROAD**

Tenth Respondent

GREATER TAUNG LOCAL MUNICIPALITY

Eleventh Respondent

Coram: Reddy J

Heard: 14 October 2025

Judgment reserved: 14 October 2025

Delivered: This judgment was handed down electronically, circulated to the parties' representatives via email, uploaded to CaseLines, and released to SAFLII. The date and time for the handing down of the judgment are deemed to be 28 April 2026 at 16h00.

Summary: Core Legal Findings and Locus Standi - Unlawful Occupation - The court confirmed that the occupation of the Rethuse Re Dire Primary Agricultural Land was unlawful, and the respondents had no legal right to occupy it. Locus Standi - The first applicant, Paramount Chief Mankuroane

Tshepo Fredrick, was found to have locus standi as the "person in charge" and custodian of the land under the PIE Act. Nature of the Occupation - Confirmatory affidavits from the 6th, 7th, and 8th respondents revealed that the occupation was not a spontaneous search for shelter but a coordinated, unauthorised land allocation scheme. The Just and Equitable Inquiry Section 4 of the PIE Act - The court applied the two-stage inquiry required by the PIE Act. Alternative Accommodation - The Paramount Chief identified four villages-Takalaneng, Gasebusho, Qhoo, and Vaaltyn-totalling over 200 hectares for relocation. The court ruled this fulfilled the landowner's obligation to provide alternative land. Personal Circumstances - The court found that several principal respondents (1st, 2nd, and 5th) already owned homes in other villages and were not truly homeless or destitute.

Balancing Rights - While the respondents argued that the Municipality had provided electricity and they had built permanent structures, the court held that personal preferences of occupiers are irrelevant to whether an eviction is just and equitable. The respondents were ordered to vacate the land by a specific date, failing which the Sheriff was authorised to carry out the eviction. Costs - The 1st, 2nd, and 5th respondents were ordered to pay costs on a punitive attorney-and-own-client scale based on their "contumacious conduct" in defying previous court orders and persisting in an unlawful scheme. The 9th and 10th respondents were ordered to pay costs on a party-and-party scale. Exemptions - No order as to costs was made against the 6th, 7th, and 8th respondents, who withdrew their opposition and aligned with the applicants, nor against the Greater Taung Local Municipality.

JUDGMENT

REDDY J

Introduction

[1] This is a continuation of *Mankuroane and Others v Buti and Others*¹ judgment handed down on 15 July 2025 ("the first judgment"). The key findings in the first judgment naturally lead to this one. Due to the close connection between the two judgments, it is important to outline the factual and legal findings that supported the first judgment.

Findings of the first judgment

[2] The first judgment made the following conclusive findings. First, the occupation of the Rethuse Re Dire Primary Agricultural Land by the respondents, under the stewardship of the Paramount Chief, is unlawful. It follows that the respondents have no legal right to occupy the land. Second, the applicants have locus standi, as the Paramount Chief is the person in charge within the meaning of s1 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 ("the PIE Act"). Third, the respondents presented no valid defence on the papers before the Court.

¹[2025] ZANWHC 118.

[3] Fourth, the application against the third respondent (Mxolisi Gotyana) and the fourth respondent (Olebile Gaokumelwe) was dismissed because the applicants failed to serve the peremptory s4(2) notice of the PIE Act on these two respondents. That dismissal constitutes a final judgment, and this judgment does not revive these issues.

[4] Fifth, notwithstanding these findings, a final eviction order could not be granted because the applicants had not comprehensively addressed the just and equitable factors required by *Pheko and Others v Ekurhuleni Metropolitan Municipality*² and *City of Johannesburg v Changing Tides 74 (Pty) Ltd*.³ Notably, the personal circumstances of the occupiers and the availability of alternative land were wholly inadequate. Instead of dismissing the application, the Court invoked s4(12) of the PIE Act to allow the parties to present evidence to address the just and equitable factors, as evinced by s 4(7) of the PIE Act. Costs were reserved as costs in the cause.

The orders of the first judgment

[5] The order of the first judgment reads:

“[45] What the applicants lose focus of, is that before an eviction order, it must be found that it would be just and equitable to do so. On the conspectus of the evidence the respondents have presented no defence. In the premises this Court must order the eviction. Given the paucity of facts, it would be prudent to make use of the mechanism provided by section 4(12) of PIE to craft an appropriate order to give life to the principle of whether it would be just and equitable to evict the respondents. It would be easy to dismiss the application predicated on the failure to, by the applicants, [sic] to comprehensively address the various factors set out in *Pheko* and *Changing Tides*.’

² 2012 (2) SA 598 (CC).

³ 2012 (6) SA 294 (SCA).

[6] Dovetailing on the dispositional findings made, the following order was handed down:

‘The application is postponed to 11 September 2025 to the opposed roll for a further hearing before Reddy J.

The applicants will amend or supplement their papers, if necessary, within 15 days of this order to address the primary issue raised by this Court. The respondents shall file their answering affidavit within 15 days of the receipt of the applicants amended papers, if any.

The respondents shall file their heads of argument within five days of receiving the applicants heads of argument.

Costs are to be costs in the cause.’

The purpose of this judgment

[7] It is necessary to underscore the purpose of this second judgment. It is not a reconsideration of the findings already made in the first judgment. Those findings stand. The purpose of this judgment is to apply the s4(7) and s4(8) inquiry under the PIE Act together with the additional evidence presented by the parties in compliance with the order of the first judgment.

[8] In sum, in the face of the additional evidence presented, this Court can now determine whether the eviction is just and equitable and, if so, on what terms. The onus to cure the evidential deficiency identified in the first judgment rested on the applicants. They have discharged that onus by way of supplementary founding and replying affidavits. The respondents were given the right to answer, and they did so.

Litigation history following the first judgment

[9] On 11 September 2025, the matter was postponed. The first to ninth respondents filed supplementary answering affidavits on 16 September 2025. The 6th, 7th and 8th respondents filed separate confirmatory affidavits on the same date, withdrawing their opposition. On the same date, the applicants filed their replying affidavit. The matter was subsequently postponed to 14 October 2025 for argument. The applicants' supplementary heads of argument were filed on 18 September 2025. The matter was argued before me on 14 October 2025, and judgment was reserved.

The parties

[10] The first applicant is Mankuroane Tshepo Fredrick, the Paramount Chief (Kgosikgolo) of the Baphuduhucwana Traditional Council, conducting his statutory duties at 1[...] Chiefs Court Village, Taung. He is the custodian of the land with the power to rationally allocate it in accordance with the laws of the Republic. The second applicant is the Baphuduhucwana Traditional Council, established under the *Traditional Leadership and Governance Traditional Leadership and Governance Framework Act 41 of 2003*⁴. The third applicant is Rethuse Re Dire Primary Agricultural Cooperative Limited.

[11] The first respondent is Buti Sekamoeng. The second respondent is Kgololo Kgaman Gotyana. The fourth respondent is Olebile Gaokumelwe. The fifth respondent is Gaobuse Aobakwe. The sixth respondent is Maruping Eric. The seventh respondent is Pholo Tumelo, an adult female. The eighth respondent is Chipeta James. The ninth respondent comprises the unnamed

⁴ Traditional Leadership and Governance Framework Act 41 of 2003. The Traditional and Khoisan Leadership Act 3 of 2019, which was intended to replace the TLGFA, was declared unconstitutional and invalid in its entirety by the Constitutional Court in *Mogale and Others v Speaker of the National Assembly and Others* [2023] ZACC 47; 2024 (2) SA 110 (CC).

unlawful occupiers of the land next to the N18 Road from the entrance of the Taung Experimental Farm to Itireleng Village. The tenth respondent comprises the unnamed unlawful occupiers at the corner of N8 and R372 Road. The eleventh respondent is the Greater Taung Local Municipality.

The Applicants' Case

[12] The applicants' case, as amplified in the supplementary founding and replying affidavits and the supplementary heads of argument prepared by Advocate Mpya, pivots on the following submissions.

[13] On *locus standi*, the applicants contend that the Paramount Chief is the land's custodian and has the authority to allocate it in accordance with the laws of the Republic. The Traditional Council owns the land. No permission, express or implied, was granted to any of the respondents to occupy, construct structures, or develop the land for residential purposes. The respondents' own admission that they are under the leadership and authority of the Paramount Chief confirms both his authority and the breach of that authority. The applicants rely on the finding of *locus standi* in the first judgment, which remains valid law.

[14] On the just and equitable inquiry, the applicants submit as follows. First, alternative accommodation is widely available to the respondents. To this end, the Paramount Chief has identified four villages, Takalaneng, Gasebusho, Qhoo, and Vaaltyn. These four villages cover a combined area of over 200 hectares, which is more than sufficient to accommodate the respondents and their families for generations to come. The obligation to provide alternative land under section 4(7) of the PIE Act has been fulfilled

by the Paramount Chief in his capacity as landowner, in accordance with *Grobler v Phillips and Others*⁵.

[15] Second, Advocate Mpya asserts that the respondents are not homeless or destitute. Put simply, Advocate Mpya states that the first and second respondents have homes at Matolong Village, and the fifth respondent resides at Maphoitsile Village. The respondents can readily afford alternative accommodation and are not homeless. Third, the respondents do not deny that their occupation is unlawful. Fourth, they acknowledge proper service of all legal processes. Fifth, the occupation was conducted in bad faith, intentionally, in defiance of a final court order and repeated demands to vacate. Sixth, the personal preferences or wishes of unlawful occupiers are irrelevant to the just and equitable inquiry.

[16] Insofar as the sixth, seventh, and eighth respondents, Advocate Mpya submits that their confirmatory affidavits effectively confirm every material aspect of the applicants' case and dispel any suggestion that the occupation was a *bona fide* housing exercise. These respondents have officially admitted involvement in the unlawful allocation scheme and aligned themselves with the applicants.

[17] In respect of costs, Advocate Mpya proposes that a punitive order be sought on the attorney and the client scale against the first, second, fifth, ninth and tenth respondents, including the costs of employing counsel, in respect of both the first judgment and this judgment. Advocate Mpya claims that the contumacious conduct of the respondents, in defying court orders, ignoring demands to vacate, and persisting in a coordinated unlawful scheme, warrants nothing less.

⁵ 2024 (1) SA 1 (SCA).

[18] Advocate Mpya bolsters the applicant's contentions with the following authorities: *Port Elizabeth Municipality v Various Occupiers*,⁶ *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*,⁷ *Hattingh and Others v Juta*,⁸ *Coleman and Others v Unlawful Occupiers and Others*,⁹ *Van Der Valk N.O. and Others v Johnson and Others*,¹⁰ *Modder East Squatters and Another v Modderklip Boerdery (Pty) Ltd*¹¹.

The respondents' case

[19] The opposition to the application was maintained by the first, second, fifth, and ninth respondents. The case for the opposing respondents, as set out in their supplementary answering affidavit and heads of argument, rests on the following submissions.

[20] On the question of meaningful engagement, the respondents submit that the Paramount Chief instituted these proceedings in April 2021 without informing or consulting the community, in breach of section 4(1) of the *Traditional Leadership and Governance Framework Act 41 of 2003*¹², which obliges the Traditional Council to administer the affairs of the traditional community in accordance with customs and tradition. They aver that it is peculiar that the Paramount Chief has sought to evict his own subjects from land he is enjoined to administer in the interests of the traditional community, and that this conduct is inconsistent with the principle of

⁶ 2005 (1) SA 217 (CC).

⁷ 2012 (2) SA 104 (CC).

⁸ 2013 (3) SA 275 (SCA).

⁹ [2013] 4 All SA 569 (SCA).

¹⁰ *Van Der Valk N.O. and Others v Johnson and Others* (unreported).

¹¹ 2004 (6) SA 40 (SCA).

¹² Op Cit fn 4.

cooperative governance in section 5 of the Traditional Leadership and Governance Framework Act 41 of 2003.¹³

[21] In the background of the occupation, the respondents submit that the dispute has deep roots in the Traditional Council's failure to manage a previous dispute over the same land. The second respondent is a serving member of the sub-council of the Matolong Village Community. The land has historically been used for communal grazing. The dispute originated when the late Mr MK Pule obtained an allocation of the land and then purportedly sold it to a Mr TJ Lepholletse (Lepholletse), an outsider from Schweizer-Reneke. The community was aggrieved by this transaction, which is the genesis of the present occupation. The respondents submit that the Paramount Chief became aware of the dispute only when Lepholletse approached the Magistrates' Court, and that his failure to address the land crisis at that stage is the root cause of the present situation.

[22] On the just and equitable inquiry, the respondents present the following arguments. First, that (i) the respondents have inhabited the land for approximately five years, (ii) they have built permanent structures at significant personal cost, (iii) they have established a social fabric and a community, and (iv) over forty (40) independent households are settled on the land. The respondents contend that an eviction at this stage would not be in the interests of justice and would be harmful to the right of access to adequate housing under section 26 of the Constitution of the Republic of South Africa.

[23] Second, the Municipality provided electricity services and allocated census stand numbers to the occupiers, which the respondents contend

¹³ Op Cit fn 4.

constitutes administrative recognition of their presence and an investment of public resources in the land. They allege that an eviction will occasion fruitless and wasteful expenditure, as the Municipality has already serviced the land.

[24] Third, the Paramount Chief did not indicate, at the genesis of this dispute, a willingness to relocate his subjects to other land. The offer of the four villages is a recent strategic move to obtain an eviction order. It does not adequately address the adequacy of water and other services at the proposed relocation sites. The respondents aver that the Paramount Chief has not engaged them on whether the proposed alternative land is adequate for all the families that have established themselves on the disputed land.

[25] Fourth, as subjects of the Paramount Chief, the respondents allege that he owes them a fiduciary duty under customary law to ensure they are not rendered landless. They describe themselves as the children of the soil, under the leadership of Kgosi, yet they are being evicted from land under his custodianship by that same Kgosi.

[26] Fifth, the respondents assert that the community includes families with young children and some households headed by females. An eviction would violate the rights of these vulnerable categories of persons under section 4(7) of the PIE Act.

[27] Regarding costs, the respondents do not seek a costs order against the applicants but oppose the applicants' punitive costs order. They argue that a punitive costs order would be overly harsh on individuals who genuinely believed they had a valid grievance concerning the administration of their traditional land.

[28] In accentuating their contentions, the respondents place much store in *Port Elizabeth Municipality, Phoko, Changing Tides, and Blue Moonlight Properties*. Moreover, the respondents draw specific attention to *Blue Moonlight*¹⁴ where the apex court stated:

‘It could reasonably be expected that when land is purchased for commercial purposes, the owner, who is aware of the presence of occupiers over a long time, must consider the possibility of having to endure the occupation for some time. Of course, a property owner cannot be expected to provide free housing for the homeless on its property for an indefinite period. But in certain circumstances an owner may have to be somewhat patient, and accept that the right to occupation may be temporarily restricted, as *Blue Moonlight*’s situation in this case has already illustrated. An owner’s right to use and enjoy property at common law can be limited in the process of the justice and equity enquiry mandated by PIE.’

[29] The respondents also rely on section 26(3) of the Constitution of the Republic of South Africa and contend that the eviction of more than forty (40) households without adequate provision for alternative accommodation would constitute an arbitrary eviction.

The confirmatory affidavits of the sixth, seventh and eighth respondents

[30] The complexion of the matter changed for the sixth, seventh, and eighth respondents, who each filed confirmatory affidavits on 16 September 2025, formally withdrawing their opposition and aligning themselves with the applicants’ case. Their affidavits state, in relevant part, that they are not opposing the Kgosi; that they knew that what they attempted to do at the land dispute was not authorised by the Traditional Council; and that all

¹⁴ 2012 (2) SA 104 (CC).

respondents from the first to the eighth were responsible for the unlawful allocation of land at the Rethuse Re Dire Primary Agricultural Cooperative.

[31] The affidavits are significant on two scores. First, they include admissions by three of the eight named respondents that the occupation was a coordinated, and an unauthorised scheme. These admissions eradicate any suggestion that the respondent's actions were a spontaneous search for shelter by persons in housing need. Second, they corroborate the applicants' case and show that the remaining opposition of the first, second, fifth and ninth respondents is denuded of credibility. A court is entitled to take a robust, common-sense approach to disputed facts on affidavit and should not be hamstrung by bald denials contradicted by co-respondents.

Section 4 of the PIE Act

[32] The statutory framework governing this application is s4 of the PIE Act. It reads:

‘Section 4 Eviction of unlawful occupiers at the instance of owner or person in charge

(1) Notwithstanding anything to the contrary contained in any law or the common law, the provisions of this section apply to proceedings by an owner or person in charge of land for the eviction of an unlawful occupier.

(2) At least 14 days before the hearing of the proceedings contemplated in subsection (1), the court must cause written and effective notice of the proceedings to be served on the unlawful occupier and the municipality having jurisdiction.

(3) Subject to the provisions of subsection (2), the procedure for the serving of notices and filing of papers is as prescribed by the rules of the court in question.

(4) If an unlawful occupier has occupied the land in question for less than six months at the time when the proceedings are initiated, a court may

grant an order for eviction if it is just and equitable to do so, after considering all the relevant circumstances, including the rights and needs of the elderly, children, disabled persons and households headed by women.

(5) The court must request a report from the relevant municipality on the availability of suitable land or alternative accommodation within the jurisdiction of the municipality for relocation of the unlawful occupier, and the municipality must provide such report within a reasonable time.

(6) If an unlawful occupier has occupied the land in question for more than six months at the time when the proceedings were initiated, a court may grant an order for eviction if it is of the opinion that it is just and equitable to do so, after considering all relevant circumstances, including, except where the land is sold in a sale of execution pursuant to a mortgage, whether land has been made available or can reasonably be made available by a municipality or other organ of state or another land owner for the relocation of the unlawful occupier, and including the rights and needs of the elderly, children, disabled persons and households headed by women.

(7) If the court is satisfied that all the requirements of this section have been complied with and that no valid defence has been raised by the unlawful occupier, it must grant an order for the eviction of the unlawful occupier,

(8) If the court grants an order for eviction, it must determine —

(a) a just and equitable date on which the unlawful occupier must vacate the land under the circumstances; and

(b) the date on which an eviction order may be carried out if the unlawful occupier has not vacated the land on the date contemplated in paragraph (a).

(9) An eviction order may, subject to section 16(2), only be carried out on any day that is not a Sunday or public holiday, and between 05h00 and 21h00.

(10) If the court is not satisfied that the requirements for a just and equitable eviction have been met, the court may dismiss the application.

(11) Nothing in this section prevents any person from making an application to a court for the urgent eviction of an unlawful occupier.

(12) A court may, on application and after giving all parties an opportunity to be heard, suspend an eviction order on such terms and conditions as it deems just and equitable.’

Discussion of the Applicable Legal Framework

[33] Section 4 of the PIE Act gives expression to section 26(3) of the Constitution, which provides that no one may be evicted from their home without a court order made after considering all relevant circumstances, and that no legislation may permit arbitrary evictions. Section 26(1) of the Constitution guarantees everyone the right of access to adequate housing. It is trite that the PIE Act reinforces section 26(3) of the Constitution by providing that a court may not grant an eviction order unless the eviction is just and equitable.

[34] The phrase "just and equitable" signals that the inquiry is not purely technical. In *Port Elizabeth Municipality v Various Occupiers*¹⁵, Sachs J held that the emphasis on justice and equity underlines the central philosophical objective of PIE, where the following was posited:

‘In *Grobler v Phillips and Others*, the Supreme Court of Appeal held that the “just and equitable” inquiry requires a court to move away from a purely legalistic approach and have regard to extraneous factors such as morality and fairness, so as to produce an equitably principled judgment. Each case must be decided on its own facts, and where eviction is ordered, it should preferably be implemented with a specific plan of resettlement in mind.

The approach by Horn AJ has been described both judicially and academically as sensitive and balanced. Sachs J in *Port Elizabeth Municipality* makes it plain that the criteria to be applied are not purely of the technical kind that flow ordinarily from the common law. Rather than envisage the foundational values of our society as distinct from and in tension with each other, PIE treats these values as interactive, complementary and

¹⁵ 2005 (1) SA 217 (CC).

mutually reinforcing, to be balanced and reconciled by a close analysis of the actual specifics of each case.

The court is thus called upon to go beyond its normal functions, and to engage in active judicial management according to equitable principles of an ongoing, stressful and law-governed social process. This has major implications for the manner in which it must deal with the issues before it, how it should approach questions of evidence, the procedures it may adopt, the way in which it exercises its powers and the orders it might make. The Constitution and PIE require that, in addition to considering the lawfulness of the occupation, the court must have regard to the interests and circumstances of the occupier and pay due regard to broader considerations of fairness and other constitutional values, so as to produce a just and equitable result. Thus, PIE expressly requires the court to infuse elements of grace and compassion into the formal structures of the law’.

[35] In *Changing Tides* the Supreme Court of Appeal articulated the two-stage inquiry, first, whether it is equitable to grant an eviction order at all, having regard to all relevant factors including the availability of alternative land under section 4(7); second, having decided to grant it, what justice and equity demand in relation to the date and conditions of implementation, having regard to the impact on the occupiers and whether they may be rendered homeless. Both stages must be completed before the order is issued.

[36] In *Grobler v Phillips and Others*¹⁶ the pronouncement of the court on the just and equitable inquiry is instructive. Insofar as the just and equitable enquiry, the court held:

“There are two reasons. The first, and perhaps obvious reason, is that all facts must be taken into account when deciding what is just and equitable. The second is that considerations of what is just and equitable may persuade a court not to evict a person who is found to be in unlawful occupation. As I have said, it was not disputed that the first respondent and her husband were given the right to occupy the property for the rest

¹⁶ 2023 (1) SA 321 (CC).

of their lives. It was also not in dispute that some, if not all, of the previous owners were aware of this right and were prepared to honour it. The first respondent believed, albeit incorrectly, that the right protected her from eviction and she continued to occupy the property in this belief. She can hardly be expected to have known that her right was precarious inasmuch as it had not been reduced to writing and registered against the title deeds of the property. The fact is that she lost the absolute protection against eviction precisely because she was unaware that she needed to take further legal steps to ensure that her rights were enforceable against successors in title.” The relevance of *Grobler* to the present matter lies not in the personal circumstances of the occupier in that case, which were materially different, involving a *bona fide* belief in a right of occupation, but in the general principle that all facts must be considered in the just and equitable inquiry, applied to the specific facts of each case. In the present matter, those specific facts deliberate defiance of two court orders, a coordinated unauthorised allocation scheme, and the existence of established alternative residences for the principal respondents weigh decisively against the respondents. *Grobler* confirms the methodology; the facts of this case determine the outcome. This approach is reinforced by the Supreme Court of Appeal in *Ndlovu v Ngcobo; Bekker and Another v Jika*¹⁷, where the Court held that the conduct of unlawful occupiers, including deliberate and wilful disregard of legal process, is a relevant consideration in the just and equitable inquiry and may weigh decisively against them. In the present matter, the conduct of the respondents organising an unauthorised land allocation scheme, defying two court orders, and ignoring repeated vacation demands places them squarely within the category of occupiers whose equitable claims are substantially diminished by their own conduct.

¹⁷ 2003 (1) SA 113 SCA.

[37] In *Hattingh and Others v Juta*¹⁸ the Court held that section 6(2) of the Extension of Security of Tenure Act (by analogy applicable to the PIE Act a just and equitable standard) calls for a balance between the rights of the occupier and those of the owner.

[38] The fundamental principles governing this Court's inquiry are:

- (i) The applicant bears the onus of establishing that it is just and equitable to grant an eviction order. Proof of ownership and unlawful occupation triggers, but does not determine the inquiry.¹⁹
- (ii) Evictions leading to homelessness are not generally just and equitable²⁰.
- (iii) The PIE Act does not require automatic dismissal where homelessness may result. A court ordinarily crafts a conditional order executable once an alternative accommodation is available.²¹
- (iv) Where eviction may lead to homelessness, the duty to provide alternative accommodation falls generally on the local authority or may be discharged by another landowner.²²
- (v) The conduct of the occupiers, including contempt of court orders, reduces the equitable weight to be accorded to their interests.
- (vi) A private landowner cannot be expected to provide free accommodation indefinitely.²³

¹⁸ 2013 (3) SA 375 (CC).

¹⁹ *Changing Tides* at para 34.

²⁰ *Berea v De Wet* 2017 (5) SA 346 (CC) at para 57.

²¹ *City of Johannesburg Metropolitan Municipality v Hlophe* [2015] 2 All SA 251 (SCA).

²² *Moonlight Properties* at para 54, *Grobler* at para 37.

(vii) An occupier asserting potential homelessness must show how they have tried and failed to find alternative accommodation within their available resources.

(viii) A court must take a robust, common-sense approach to disputed facts on affidavit and is not compelled to treat bald denials as genuine disputes.²⁴

[39] The obligation of meaningful engagement before approaching court is a constitutional imperative grounded in the values of dignity, equality and ubuntu. In *Occupiers of 51 Olivia Road v City of Johannesburg*²⁵, these constitutional injunctions were expressed as follows:

"[9] The need for meaningful engagement between the City and the occupiers was not directly raised by the parties before this Court. It was however in some sense foreshadowed by their contention that the City was obliged to give the occupiers a hearing before deciding to evict on the basis that the decision was an administrative one. The City contended that the occupiers had indeed been given a hearing because they had had an opportunity to file affidavits in the High Court in opposition to the ejectment application.

[10] In *Grootboom* this Court said, on the relationship between reasonable state action and the need to treat human beings with the appropriate respect and care for their dignity, to which they have a right as members of humanity-

"All levels of government must ensure that the housing program is reasonably and appropriately implemented in the light of all the provisions in the Constitution. All implementation mechanisms and all State action in relation to housing falls to be assessed against the requirements of s 26 of the Constitution. Every step at every level of

²³ *Modder East Squatters and Another v Modderklip Boerdery (Pty) Ltd* 2004 (6) SA 40 (SCA) at 57 C – E.

²⁴ *Soffiantini v Mould* 1956 (4) SA 150 (E) at 154 E – H.

²⁵ [2008] ZACC 1, 2008 (3) SA 208 (CC).

government must be consistent with the constitutional obligation to take reasonable measures to provide adequate housing.

But s 26 is not the only provision relevant to a decision as to whether State action at any particular level of government is reasonable and consistent with the Constitution. The proposition that rights are interrelated and are all equally important is not merely a theoretical postulate. The concept has immense human and practical significance in a society founded on human dignity, equality and freedom. It is fundamental to an evaluation of the reasonableness of State action that account be taken of the inherent dignity of human beings. The Constitution will be worth infinitely less than its paper if the reasonableness of State action concerned with housing is determined without regard to the fundamental constitutional value of human dignity. Section 26, read in the context of the Bill of Rights as a whole, must mean that the respondents have a right to reasonable action by the State in all circumstances and with particular regard to human dignity. In short, I emphasise that human beings are required to be treated as human beings. This is the backdrop against which the conduct of the [State] must be seen.

[11] The Court went on to say more specifically about engagement and its importance- "The respondents began to move onto the New Rust land during September 1998 and the number of people on this land continued to grow relentlessly. I would have expected officials of the municipality responsible for housing to engage with these people as soon as they became aware of the occupation. I would have also thought that some effort would have been made by the municipality to resolve the difficulty on a case-by-case basis after

an investigation of their circumstances before the matter got out of hand. The municipality did nothing and the settlement grew by leaps and bounds.

[12] In Port Elizabeth Municipality this Court said-

" . . . the procedural and substantive aspects of justice and equity cannot always be separated. The managerial role of the courts may need to find expression in innovative ways. Thus, one potentially dignified and effective mode of achieving sustainable reconciliations of the different interests involved is to encourage and require the parties to

engage with each other in a proactive and honest endeavour to find mutually acceptable solutions. Wherever possible, respectful face-to-face engagement or mediation through a third party should replace arm's-length combat by intransigent opponents.

[13] It became evident during argument that the City had made no effort at all to engage with the occupiers at any time before proceedings for their eviction were brought. Yet the City must have been aware of the possibility, even the probability, that people would become homeless as a direct result of their eviction at its instance. In these circumstances, those involved in the management of the municipality ought at the very least to have engaged meaningfully with the occupiers both individually and collectively.

[14] Engagement is a two-way process in which the City and those about to become homeless would talk to each other meaningfully in order to achieve certain objectives. There is no closed list of the objectives of engagement. Some of the objectives of engagement in the context of a city wishing to evict people who might be rendered homeless consequent upon the eviction would be to determine-

- (a) what the consequences of the eviction might be;
- (b) whether the city could help in alleviating those dire consequences;
- (c) whether it was possible to render the buildings concerned relatively safe and conducive to health for an interim period;
- (d) whether the city had any obligations to the occupiers in the prevailing circumstances; and
- (e) when and how the city could or would fulfil these obligations.'

Discussion of the Just and Equitable Inquiry

[40] Against this backdrop, I propose to unpack our jurisprudence as it applies to this matter. Before doing so, it is necessary to address two preliminary matters: the applicable subsection of section 4 of the PIE Act,

and the scope of the Municipality's role on communal tribal land. The occupation having commenced on 27 March 2021 and having endured for well in excess of six months before these proceedings were initiated, section 4(6) of the PIE Act governs this application, not section 4(4). Section 4(6) requires the Court to consider, among all relevant circumstances, whether land has been made available or can reasonably be made available by a municipality, another organ of state, or another landowner for the relocation of the unlawful occupiers.

[41] As set out below, the Paramount Chief in his capacity as landowner has identified over 200 hectares of communal land at four villages for reallocation. The s4(6) alternative land criterion is therefore satisfied by the landowner directly, without reliance on the Municipality. Section 4(5) of the PIE Act requires the Court to request a report from the relevant municipality on the availability of suitable land or alternative accommodation within the jurisdiction of the municipality. On the facts of this case, the land in dispute and the four identified relocation villages are communal tribal land held under the custodianship of the Baphuduhucwana Traditional Council in terms of the *Traditional Leadership and Governance Framework Act* 41 of 2003²⁶. The Greater Taung Local Municipality has no authority to allocate, demarcate, or administer communal land, as the functions vest exclusively in the Traditional Council under the Paramount Chief's leadership.

[42] Accordingly, the Municipality's reporting obligation under section 4(5) is limited to matters within its own jurisdiction: the availability of municipal housing programmes to which displaced persons may apply, and the provision of basic services, water, sanitation, and electricity at the relocation villages in its capacity as the services authority for the area. The

²⁶ Op Cit fn 4.

Court is satisfied that, in the context of communal tribal land, the section 4(5) obligation is properly discharged on this basis, read together with the Paramount Chief's alternative land offer under section 4(6).

The absence of a valid defence

[43] The first judgment determined that the respondents offered no valid defence. The respondents' supplementary answering affidavit does not introduce any new substantive defence. Their three arguments that the land was allocated to an outsider (Lepholletse), that the applicants failed to allocate alternative land, and that the applicants caused delays do not constitute defences to the unlawfulness of the occupation. The respondents admit to ownership, acknowledge they are under the authority of the Paramount Chief, and three of their co-respondents have confirmed that the occupation was unauthorised. The finding in the first judgment of no valid defence therefore remains valid and binding. It follows that the applicants have met the jurisdictional requirement outlined in section 4(7) of the PIE Act.

The nature of the occupation

[44] The occupation began around 27 March 2021 and has continued for over five years to date. It was initiated and persisted in clear disregard of orders of court. Written vacation requests for October and November 2022 were ignored. The affidavits of the sixth, seventh, and eighth respondents confirm a coordinated, unauthorised allocation scheme. The time spent in contempt of court cannot improve the respondents' equitable position. Doing so would conflict with and undermine the rule of law.

Rights and needs of vulnerable persons as evinced in section 4 (7) of the PIE ACT

[45] The import of s4(7) of the PIE Act requires the Court to specifically consider the rights and needs of older people, children, disabled persons, and households headed by women. To the best of the Paramount Chief's knowledge, the respondents are not elderly, there are no children or disabled persons among them, and all are in good physical health. The seventh respondent, Pholo Tumelo, is an adult female, as explicitly stated in the founding affidavit. The respondents' supplementary papers claim that the community includes families with young children, and some female headed households, but no individual affidavits or details are provided.

[46] Unlike the confirmatory affidavits of the sixth, seventh and eighth respondents, which contained specific, first-hand admissions capable of independent verification, the claims regarding vulnerable persons are vague, unverified, and unsupported by any identifying particulars. A court cannot act on generalised assertions in PIE proceedings where the personal circumstances of occupiers are a jurisdictional consideration under section 4(7). In the absence of any identified vulnerable persons and given the availability of over 200 hectares of alternative land, along with the structured, phased approach delineated below, the Court is satisfied that any vulnerable persons will be accommodated.

The homeless conundrum

[47] The key issue is whether executing the eviction order will leave the occupiers homeless. The evidence clearly pertains to the named respondents. The first respondent has a permanent residence at House No. 1[...], Matolong Village. The second respondent resides at House No. 1[...], Matolong. The fifth respondent lives at House No. 8[...], Maphoitsile Village. Therefore, these respondents will not become homeless. Importantly, they have not demonstrated how they have attempted and failed to find alternative accommodation within their means. Additionally, the occupiers' personal preferences for the disputed land over other available land are irrelevant.

Availability of alternative land

[48] Section 4(7) of the PIE Act mandates that the Court consider whether land has been made available or can reasonably be made available by a Municipality, another organ of state, or another landowner. The Paramount Chief is himself a "landowner" within the meaning of section 4(7) of the PIE Act. To this end, the Paramount Chief has identified four villages for reallocation; Takalaneng, Gasebusho, Qhoo and Vaaltyn, with a combined area exceeding 200 hectares. Moreover, the Paramount Chief has offered a staggered relocation process, temporary accommodation with next of kin during rebuilding, and has confirmed that non-cement materials can be salvaged and reused. The s 4(7) jurisdictional criteria have been met.

[49] The respondents contend that the Paramount Chief's offer is strategic. Simply put, it does not specify which government department will assist, and the adequacy of water and services at the relocation sites has not been addressed. Undoubtedly, these are legitimate concerns. That being so, these concerns are subsumed within the body of the order, which directs the

Paramount Chief to demarcate specific plots within thirty (30) days and directs the Municipality to report on any household that may require emergency relocation assistance. These safety nets ensure the purport of s 4(7) of the PIE Act is properly observed. What needs to be underscored is that even a property owner with no constitutional obligation to provide housing cannot be expected to bear this burden indefinitely.

Meaningful engagement

[50] The respondents' contention that the Paramount Chief failed to engage meaningfully before litigating raises a well-founded and grounded concern, as enunciated in *Olivia Road*. The Court accepts this. Notwithstanding, this context is crucial. The occupation commenced and continued in defiance of two court orders. Written vacation requests for October and November 2022 were disregarded. The respondents' own concession that they are under the Paramount Chief's authority and leadership further undermines the suggestion that engagement was refused on their side. The failure to engage more formally before litigation does not, in these circumstances, weigh materially against the relief sought.

[51] While this Court accepts that more formal engagement was warranted at the outset, the respondents' sustained defiance of court orders and their own acknowledgment of the Paramount Chief's authority render any further engagement obligation academic at this stage. The alternative land offer and the demarcation obligation, below, provide the substantive protection that meaningful engagement would otherwise have secured.

[52] The respondents' fourth submission that the Paramount Chief owes them a fiduciary duty under customary law to ensure they are not rendered

landless does not constitute a defence to this application and does not alter the just and equitable outcome. Even accepting that a Traditional Leader bears obligations of stewardship toward his community under customary law and the *Traditional Leadership and Governance Framework Act* 41 of 2003²⁷, that duty cannot be invoked to immunise an unlawful occupation from eviction.

[53] The PIE Act is the applicable statutory framework, and it makes no provision for customary fiduciary obligations to override the just and equitable inquiry. Moreover, the argument is self-defeating on the facts. The Paramount Chief has identified over 200 hectares of land at four villages for reallocation, demonstrating that the respondents will not be rendered landless. The fiduciary duty, if it exists, is being discharged through the alternative land offer, not abrogated by the eviction. This submission is accordingly rejected.

The applicants' competing communal rights

[54] The applicants' property rights are not private commercial rights. The land is held for the benefit of one hundred and thirty-seven (137) registered cooperative members and the broader Baphuduhucwana community. The written authorisation of 23 January 2021 confirms the Cooperative's lawful right of use, predating the invasion by two months. Rotational crops with an eight-year lifespan have been disrupted. The balancing dam project has been blocked. A traditional authority administering communal land, like a private landowner, cannot be expected to indefinitely accommodate unlawful residential occupation. It follows axiomatically that the communal agricultural interest weighs substantially in favour of the eviction.

²⁷ Op Cit fn 4.

The issue of municipal electricity and administrative recognition

[55] The respondents' proposition that the Municipality's provision of electricity and census stand numbers constitutes recognition of their right to occupy is ill-conceived. A municipality's constitutional obligation to provide basic services applies irrespective of the lawfulness of occupation. It cannot waive a landowner's proprietary rights or transform an unlawful occupation into a lawful one. A census stand number records the existence of a structure; it does not confer tenure. No legitimate expectation of tenure arises on these facts. Given this reasoning, this proposition falls to be rejected.

A Structured, Phased Eviction Section 4(8)

[56] The Court is satisfied that it is just and equitable to grant the eviction order. The second enquiry under *Changing Tides* concerns what justice and equity demand regarding the date and conditions of implementation.

[57] Given the history of the matter, a single uniform vacation date for all respondents would be unjust. The respondents are not a homogeneous group. The first and second respondents are the protagonists of the unlawful land allocation scheme, who organized and directed it and have established homes elsewhere. Similarly, the fifth respondent has an established alternative home. The sixth, seventh, and eighth respondents have fully cooperated with the Court. The ninth and tenth respondents represent approximately forty (40) or more independent households who, although

unlawful occupiers, have erected permanent structures, established social ties and invested resources over four years. They are in a materially different position from the identified protagonists and deserve special consideration in the implementation phase.

[58] Section 4(8) of the PIE Act empowers this Court to determine a just and equitable date having regard to all circumstances, including the period of residence. Section 4(12) of the PIE Act allows this Court to attach conditions. The Paramount Chief himself has proposed a six (6) month staggered process with bi-monthly progress reports, recognizing the practical realities of large-scale displacement. The Court accepts this approach in principle and implements it through a phased order crafted to the different circumstances of each category of respondent, having regard to; (i) the individual respondents' culpability; (ii) the availability of established alternative residences; (iii) cooperation with the Court; (iv) the logistical requirements of relocating over forty (40) households.

Phase 1: The Protagonists, the first and second respondents (vacate by 28 June 2026)

[59] The first respondent (Buti Sekamoeng) and the second respondent (Kgololo Kgamanyane) are ordered to vacate by 28 June 2026, being two months from the date of this judgment. They have established homes at Matolong Village. This period is more than adequate. Should they fail to vacate, the Sheriff is authorised to evict them from 28 July 2026.

Phase 2: Named respondents with alternative residences and cooperating respondents (vacate by 28 August 2026)

[60] The fifth respondent, Gaobuse Aobakwe, with an alternative residence at Maphoitsile Village, is ordered to vacate by 28 August 2026, being four months from the date of this judgment. The sixth respondent (Maruping Eric), the seventh respondent (Pholo Tumelo), and the eighth respondent (Chipeta James) are also ordered to vacate by 28 August 2026. This period falls within the bi-monthly staggered framework proposed by the Paramount Chief and accepted by this Court. The Paramount Chief is directed to prioritise the allocation of land at Takalaneng, Gasebusho, Qhoo or Vaaltyn to the sixth seventh and eighth respondents and their families, in recognition of their cooperation with this Court. Should any Phase 2 respondent fail to vacate by 28 August 2026, the Sheriff is authorised to evict them from 28 September 2026.

Phase 3 Unnamed occupiers: 9th and 10th Respondents (vacate by 28 October 2026)

[61] The ninth respondent, the unnamed unlawful occupiers of the land next to the N18 Road, and the tenth respondent, the unnamed unlawful occupiers at the corner of N8 and R372 Road, are ordered to vacate by 28 October 2026, being six months from the date of this judgment. This period reflects the substantial number of households involved in excess of forty (40); the time required to dismantle structures and salvage building materials; the need for the Municipality to complete its reporting obligation and for the Paramount Chief to formally demarcate specific plots at the four villages. The Court accepts the Paramount Chief's proposal of six months with bi-monthly progress reports as just and equitable. Progress reports are to be filed with the Registrar of this Court on 28 June 2026, 28 August 2026 and 28 October 2026. Should any unnamed occupier fail to vacate by 28

October 2026, the Sheriff is authorised to evict them from 28 November 2026, subject to the protective provisions in the order below.

Costs

[62] The applicants seek a punitive costs order on the attorney and own client scale against the first, second, fifth, ninth and tenth respondents in respect of both judgments, including the costs of employing counsel. The Court's discretion in PIE applications must be exercised with care. A punitive costs order against genuinely destitute occupiers may be oppressive.

[63] Nevertheless, the Court is satisfied that a punitive order is warranted against the first, second and fifth respondents. The following cumulative reasons underpin this cost order. First, the occupation was carried out in deliberate defiance of orders of court; second, written demands for vacation in October and November 2022 were ignored; third, the confirmatory affidavits of the sixth, seventh and eighth confirm this was a coordinated unlawful scheme, not a desperate last resort; and fourth, the first, second and fifth respondents have established alternative residences and are not destitute.

[64] As regards the fifth respondent specifically, Gaobuse Aobakwe maintained active opposition to the application throughout these proceedings, notwithstanding having an established residence at Maphoitsile Village, making no attempt to demonstrate genuine housing need, and persisting in opposition to an eviction sought from land to which no lawful

right existed. This conduct, though not that of a principal organiser, was nonetheless contumacious in the sense that it prolonged litigation over compliance with an eminently reasonable eviction. A punitive costs order against is accordingly warranted.

[65] In respect of the ninth and tenth respondents, costs on a party-and-party scale are appropriate, as their individual means are unknown and some may be genuinely vulnerable. Notwithstanding the vulnerability of some among the ninth and tenth respondents, a costs order on a party-and-party scale is nonetheless warranted. The occupation was unlawful, persisted for over five years, and these respondents maintained opposition throughout the litigation. A party-and-party order, being considerably less onerous than the punitive scale imposed on the protagonists, strikes the appropriate balance between holding the respondents accountable for prolonged unlawful opposition and recognizing that their individual means are unknown and that some households may be genuinely vulnerable. The protective provisions in the order below provide a further safeguard for those who may be rendered homeless.

[66] The costs reserved in the first judgment as costs in the cause are now determined. Those costs follow the result on the same scale as the costs of this judgment. No order as to costs is made against the third respondent (Mxolisi Gotyana) and the fourth respondent (Olebile Gaokumelwe), against whom the application was dismissed in the first judgment and who took no further part in these proceedings. No costs are awarded against the sixth, seventh and eighth in respect of either judgment, in recognition of their cooperation. No costs are awarded against the eleventh respondent.

Order

[67] As a result, the following order is made:

1. The dismissal of the application against the 3rd respondent (Mxolisi Gotyana) and the 4th respondent (Olebile Gaokumelwe), effected in the first judgment ([2025] ZANWHC 118), is confirmed. No eviction order is granted against those respondents. No order as to costs is made against the 3rd and 4th respondents.
2. The 11th respondent (Greater Taung Local Municipality) is directed, within 30 days of the date of this order, to file a report with the Registrar of this Court addressing the following: (a) what municipal housing programmes or emergency housing facilities exist within its jurisdiction to which households evicted from the disputed land may apply; (b) whether the Municipality, in its capacity as the services authority for the area, is able to provide or facilitate the provision of water, sanitation, and electricity services at the relocation villages of Takalaneng, Gasebusho, Qhoo and Vaaltyn identified by the Paramount Chief under paragraph 3 of this order, and if so, on what timeline; and (c) what steps, if any, the Municipality proposes to take within its lawful jurisdiction to assist displaced households to access available municipal housing programmes. For the avoidance of doubt, this order does not require or empower the Municipality to allocate, demarcate, or administer communal land held under the custodianship of the Baphuduhucwana Traditional Council, which function vests exclusively in the 1st applicant (the Paramount Chief) under paragraph 3 of this order.
3. The 1st applicant (the Paramount Chief) is directed, within 30 days of this order, to: (a) identify and formally demarcate specific portions of

land in Takalaneng, Gasebusho, Qhoo and Vaaltyn available for reallocation to the respondents and their families; (b) prioritise the allocation of specific plots to the 6th, 7th and 8th respondents; and (c) provide written confirmation of such demarcation to the respondents' attorneys of record and to the Registrar of this Court.

4. Phase 1 - The 1st respondent (Buti Sekamoeng) and the 2nd respondent (Kgololo Kgamanyane) are ordered to vacate the immovable property described as the Rethuse Re Dire Primary Agricultural Land, Mahikeng, held under the custodianship of the Baphuduhucwana Traditional Council, on or before 28 June 2026. Should either respondent fail to vacate by that date, the Sheriff of this Court is authorised and directed to evict that respondent with effect from 28 July 2026.
5. Phase 2 - The 5th respondent (Gaobuse Aobakwe), 6th respondent (Maruping Eric), 7th respondent (Pholo Tumelo), and 8th respondent (Chipeta James) are ordered to vacate the same property on or before 28 August 2026. Should any of them fail to vacate by that date, the Sheriff is authorised and directed to evict the non-compliant respondent with effect from 28 September 2026.
6. Phase 3 -The 9th respondent (the unnamed unlawful occupiers of the land next to the N18 Road from the entrance of the Taung Experimental Farm to Itireleng Village) and the 10th respondent (the unnamed unlawful occupiers at the corner of N8 and R372 Road) are ordered to vacate the same property on or before 28 October 2026. Progress reports are to be filed with the Registrar of this Court by the Paramount Chief on 28 June 2026, 28 August 2026 and 28 October 2026, detailing the steps taken to prepare and demarcate alternative

land at the four villages and the number of households that have vacated during each period. Should any unnamed occupier fail to vacate by 28 October 2026, the Sheriff is authorised and directed to evict that person with effect from 28 November 2026, subject to paragraph 7 below.

7. Where the 1st applicant (the Paramount Chief) has not, within 30 days of this order, filed written confirmation of demarcation in terms of paragraph 3(c) above in respect of the specific relocation plots to be allocated to the 9th and 10th respondents, the applicants shall not proceed with enforcement of the Phase 3 eviction order against any household of the 9th or 10th respondents pending further directions from this Court on notice to all parties and the Municipality. Furthermore, where the Municipality's report filed in terms of paragraph 2 above discloses that basic services, water and sanitation cannot be provided at the relocation villages within a reasonable time, the applicants shall not proceed with enforcement of the Phase 3 eviction order pending further directions from this Court. In either event, any party may approach this Court on the same papers, duly supplemented, for such further relief as may be just and equitable.
8. All eviction orders are to be executed on days that are not a Sunday or public holiday, between 05h00 and 21h00, in accordance with section 4(9) of the PIE Act. The Sheriff is authorised to obtain the assistance of members of the South African Police Service if required to execute any eviction order made in terms of this judgment.
9. The 1st respondent (Buti Sekamoeng), the 2nd respondent (Kgololo Kgamanyane) and the 5th respondent (Gaobuse Aobakwe) are ordered to pay the costs of both the first judgment and this judgment on the

attorney and own client scale, including the costs of employing counsel, jointly and severally, the one paying the others to be absolved.

10. The 9th and 10th respondents are ordered to pay the costs of both the first judgment and this judgment on a party-and-party scale, jointly and severally, the one paying the other to be absolved.
11. No order as to costs is made against the 6th respondent (Maruping Eric), 7th respondent (Pholo Tumelo) and 8th respondent (Chipeta James) in respect of either the first judgment or this judgment.
12. No order as to costs is made against the 11th respondent (Greater Taung Local Municipality).

A REDDY

**JUDGE OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION, MAHIKENG**

Date of first hearing: 25 September 2024
Date of first judgment: 15 July 2025
Date of final hearing: 14 October 2025
Date of this judgment: 28 April 2026

Appearances:

For the Applicants:	Advocate M Mpya
Attorney for Applicants:	Mabapa Attorneys Inc c/o Sifumba Attorneys, Mahikeng

For the First Respondent:	No appearance
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For Second, Fifth and Ninth Respondents:	Advocate De Bruin
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Sixth, Seventh and Eighth Respondents: Confirmatory affidavits filed (No active opposition)

Third and Fourth Respondents: No appearance, application dismissed in first judgment

Tenth Respondent:	No appearance
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Eleventh Respondent:	No appearance
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