

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

Case number: 39602/2015



**THUPETJI ALEXANDER THUBAKGALE**

First Applicant

**EKURHULENI CONCERNED RESIDENTS ASSOCIATION**

Second Applicant

**RESIDENTS OF THE WINNIE MANDELA  
INFORMAL SETTLEMENT**

Third to One Hundred  
and Thirty-Fourth Applicants

and

**EKURHULENI METROPOLITAN MUNICIPALITY**

First Respondent

**THE EXECUTIVE MAYOR, EKURHULENI MUNICIPALITY**

Second Respondent

**THE CITY MANAGER, EKURHULENI MUNICIPALITY**

Third Respondent

**HEAD OF DEPARTMENT: HUMAN SETTLEMENTS**

Fourth Respondent

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**NOTICE IN TERMS OF RULE 16A**

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**TO: THE REGISTRAR**

High Court

JOHANNESBURG

**PLEASE TAKE NOTICE THAT,** at the hearing of the main application in this matter, the applicants intend to raise the following constitutional issues -

- 1 The meaning of the words "appropriate relief" as they appear in section 38 of the Constitution, 1996.

- 2 Whether contempt of court is “appropriate relief” in circumstances where the respondents have, for a number of years, repeatedly failed or refused to construct housing to which they accept the applicants are constitutionally and statutorily entitled, and which this Court ordered the respondents to provide the applicants by a deadline which is now long since passed.
- 3 Whether, in the event that contempt of court is not “appropriate relief”, the applicants are entitled to constitutional damages.
- 4 The meaning and application of the judgments of the Constitutional Court in *Thubakgale v Ekurhuleni Metropolitan Municipality* [2021] ZACC 45 (7 December 2021).

**AND TAKE NOTICE FURTHER THAT** you are required, on receipt of this notice, to stamp it to place it on a noticeboard designated for the display of notices issued in terms of Rule 16A of the Rules of this Court, where it shall remain for a period of 20 days.

SIGNED AND DATED AT JOHANNESBURG ON THIS THE 8<sup>th</sup> DAY OF FEBRUARY 2022.

  
**SERI LAW CLINIC**  
Applicants' Attorneys  
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REF: ZONDO/Winnie Mandela

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT,  
PRETORIA**

AND TO: **DU PLESSIS DE HEUS & VAN WYK**  
Respondents' Attorneys  
23 Pretoria Road, Morehill  
Benoni  
Tel: 011 748 4000  
Email: [liezel@ddv.co.za](mailto:liezel@ddv.co.za)  
**c/o PRINSLOO VAN DER LINDE ATTORNEYS**  
First Floor, 457 Rodericks Road  
Lynwood  
PRETORIA  
Ref: N Zanninello/LN/NM0660

## Nomzamo Zondo

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**From:** Natalia Zanninello <natalia@ddv.co.za>  
**To:** Nomzamo Zondo  
**Sent:** Wednesday, February 9, 2022 8:33 AM  
**Subject:** Read: THUBAKGALE & OTHERS // EKURHULENI METROPOLITAN MUNICIPALITY & OTHERS:CASE NUMBER 39602/2015

### Your message

To: Natalia Zanninello  
Subject: THUBAKGALE & OTHERS // EKURHULENI METROPOLITAN MUNICIPALITY & OTHERS:CASE NUMBER 39602/2015

Sent: Tuesday, February 8, 2022 4:05:37 PM (UTC+02:00) Harare, Pretoria

was read on Wednesday, February 9, 2022 8:32:52 AM (UTC+02:00) Harare, Pretoria.

## Nomzamo Zondo

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**From:** Liezel Naude <liezel@ddv.co.za>  
**To:** Nomzamo Zondo  
**Sent:** Wednesday, February 9, 2022 8:02 AM  
**Subject:** Read: THUBAKGALE & OTHERS // EKURHULENI METROPOLITAN MUNICIPALITY & OTHERS:CASE NUMBER 39602/2015

### Your message

To: Liezel Naude  
Subject: THUBAKGALE & OTHERS // EKURHULENI METROPOLITAN MUNICIPALITY & OTHERS:CASE NUMBER 39602/2015

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