

**IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE**

CASE NO: 6719/2023

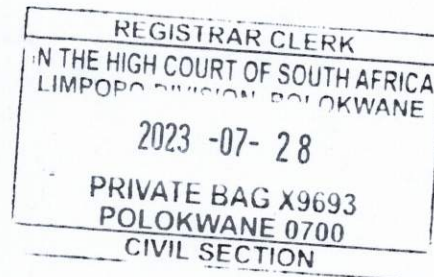
In the matter between:

GOPANE TLOU JACKSON

APPLICANT

**T/a MATJATJI GENERAL DEALER
And MATJATJI BAR LOUNGE**

And



**SIMON MANAMELA,
IN HIS CAPACITY AS CHAIRPERSON
OF KGORO AND MASS- KGATLU**

1ST RESPONDENT

**KLASS MANAMELA
IN HIS CAPACITY AS SECRETARY
OF KGORO AND MASS - KGATLU**

2ND RESPONDENT

**JACOB MASEHELA,
IN HIS CAPACITY AS DEPUTY CHAIRPERSON
OF KGORO AND MASS - KGATLU**

3RD RESPONDENT

**MEMBERS OF KGATLU COMMUNITY
IN SUPPORT OF THE RESOLUTION**

4TH RESPONDENT

MEMBERS OF KGATLU COMMUNITY

5TH RESPONDENT

NOTICE IN TERMS OF RULE 16 A

NOTICE PUBLISHED BY M CHIDI OF CHIDI ATTORNEYS-

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PLEASE TAKE NOTICE THAT the applicant, in the application proceedings, under the above case number, raises constitutional issues, some of which are:

1. the rights which are directly affected herein are:

- (a) section 25 (1), protection of the right to property and the right not to be deprived property without sound grounds, in law;
- (b) section 26 (1), the right of access to housing regarding the applicant's home;
- (c) the above should be read together with section 1, a society based on human dignity, and section 11, human dignity;
- (d) section 22, the right to trade, and
- (e) section 9, the right to equality.

2. this matter mainly flows from the 1st to 4th respondents' conduct. On the 16th of July 2023, men's assembly, called Kgoro, was in session. A resolution was reached, as follows:

- 2.1. prohibiting members of the community from buying items at or from the applicant's business establishments, and
- 2.2. that failure to abide by (2.1), those buying the applicant's items would have their buildings and those of the applicants burned.
3. applicant's buildings are a shop, Bar lounge, and his house. Customers' buildings are their houses.
4. further, Kgoro is an institution of leadership within the community. Not under traditional leadership, the relevant community is located on land which was purchased by their ancestors. Therefore, they are not under traditional leadership.
5. Kgoro is attended to and led only by men. The applicant challenges the exclusion of women and seeks to have declared the exclusion invalid to the extent of its inconsistency with the Constitution.
6. furthermore, the leadership of Kgoro also leads Mass. Mass is a general assembly of the community. By extension and practice, women do not lead Mass, though they attend its meetings.

7. the Kgoro and Mass practice is violative of section 9 of the Constitution of the Republic.

8. considering the above, the respondents should take such steps as may reasonably be necessary to give effect to the Constitutional obligation to respect, protect and advance the rights as enshrined:

8.1. in section 22, not to violate the applicant's right to trade;

8.2. in section 25 (1), not to deprive the applicant of his right to property;

8.3. in section 26 (1), not to infringe on the applicant's right to housing, and

8.4. in section 9, respecting the inclusion of women.

TAKE NOTICE FURTHER THAT any party interested in any constitutional issue raised in this action proceedings may, with the written consent of all the parties to the proceedings, be admitted as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by and between the parties.

TAKE NOTICE FURTHER THAT the notice above, if given to the parties, be given not less than twenty court days after the date of the publication of this notice.

TAKE NOTICE FURTHER THAT the written consent referred to above shall be lodged with the Registrar of this Court within five days of it being obtained and that the *amicus* shall, in addition to

any other provision, comply with the time-periods agreed upon for the filing of the pleadings and written argument.

TAKE NOTICE FURTHER THAT the time-period agreed upon by the parties may be amended by the Honourable Court.

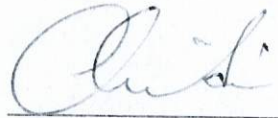
TAKE NOTICE FURTHER THAT if the interested party is unable to obtain the written consent as contemplated herein, he, she or it may, within five days of the expiry of the twenty-day period prescribed above, apply to the Court to be admitted as an *amicus curiae* in the proceedings. Such application shall:

- a) briefly describe the interest of the interested party in the proceedings;
- b) clearly and succinctly set out the submissions which would be advanced by the interested party, the relevance thereof to the proceedings and his, her or its reason for believing that the submissions will assist the Court and are different from those of the parties, and
- c) be served upon the parties.

TAKE FURTHER NOTICE THAT any party to the proceedings who wishes to oppose an application to be admitted as an *amicus curiae* shall file an answering affidavit within five days of service of the application upon such party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

KINDLY PLACE A COPY OF THIS NOTICE ON THE NOTICE BOARD.

DATED AT **POLOKWANE** ON THIS **26** DAY OF **JULY 2023**.



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

AND: TO THE MEMBERS OF THE PUBLIC

REGISTRAR CLERK
IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION POLOKWANE
2023 -07- 28
PRIVATE BAG X9693
POLOKWANE 0700
CIVIL SECTION