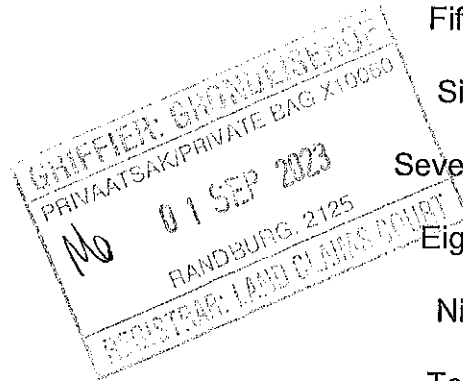


**IN THE LAND CLAIMS COURT OF SOUTH AFRICA
HELD AT RANDBURG**

CASE NO: LCC 88/2019 B

In the matter between:

REGINA PIETERSEN	First Applicant
RICHARD SYSTER	Second Applicant
WILHELMEN SYSTER	Third Applicant
KOOS AGULLUS	Fourth Applicant
MATILDA AGULLUS	Fifth Applicant
HANO AGULLUS	Sixth Applicant
SOLOMON MORRIS	Seventh Applicant
ELENA MORRIS	Eighth Applicant
MINA ADAMS	Ninth Applicant
ANDRE SMALL	Tenth Applicant
MARIA SMALL	Eleventh Applicant
ELISERA ELLIE KOORDOM	Twelfth Applicant
KOOS KOORDOM	Thirteenth Applicant
JEFFREY PIETERSEN	Fourteenth Applicant
CALVIN PIETERSEN	Fifteenth Applicant
IVAN MORRIS	Sixteenth Applicant
ELONA MORRIS	Seventieth Applicant
LORENZO WITBOOI	Eighteenth Applicant
VANITIA ADAMS	Nineteenth Applicant
PEHDRODENE KORDOM	Twentieth Applicant



LIZETTE KORDOM	Twenty-First Applicant
ELZAAN KORDOM	Twenty-Second Applicant
and	
DRAKENSTEIN MUNICIPALITY	First Respondent
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	Second Respondent
HEAD OF THE WESTERN CAPE GOVERNMENT	Third Respondent
ISEDOR SKOG N.O.	Fourth Respondent
REINETTE SKOG N.O.	Fifth Respondent
HENRIK COLLINS GERRYTS N.O.	Sixth Respondent
HEAD: WESTERN CAPE PROVINCIAL DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM	Seventh Respondent
SHERIFF OF THE HIGH COURT – WELLINGTON	Eighth Respondent

**APPLICANTS' UNIFORM RULE 16A NOTICE READ WITH LAND CLAIMS COURT
RULE 14**

BE PLEASED TO TAKE NOTICE THAT the first to twenty-second applicants (“**applicants**”) have raised constitutional issues in **Part B** of their notice of motion as supported by the applicants’ founding affidavit, namely:

1. Whether the first respondent, Drakenstein Municipality (“**Municipality**”) has failed to discharge its constitutional obligations as envisaged in section 26 of the Constitution of the Republic of South Africa, 1996 (“**Constitution**”) by providing the applicants with inadequate emergency housing which threatens their right to

human dignity, health, and life, at Phase 3 Schoongezicht in Paarl.

2. Whether the Municipality's Temporary Housing Assistance Policy should not be declared unconstitutional to the extent that it does not include electricity as a basic service to recipients of emergency housing, despite multiple pronouncements made by the Constitutional Court on the issue of provision of electricity as a basic service.
3. Whether the Municipality by providing the applicants with inadequate emergency housing at Phase 3, Schoongezicht in Paarl failed to discharge its constitutional duty to respect and protect the applicants' rights to human dignity as envisaged in section 10 of the Constitution.
4. Whether the Municipality by providing the applicants with inadequate emergency housing at Phase 3, Schoongezicht in Paarl and not closer to their current residence at Rein Hill Estate, situated 10 kilometres North of Wellington, on the R 44 outside of the town of Wellington, also known as Remainder Farm No. 1458, Drakenstein Municipality, Paarl Division, Western Cape Province, failed to take reasonable measures within its available vacant land resources within Wellington, to achieve the progressive realization of the applicants' Constitutional right to adequate emergency housing.
5. Whether the Municipality by providing the applicants with emergency housing at

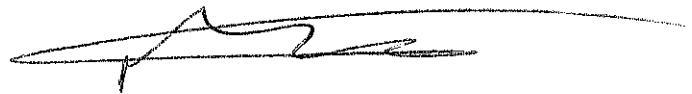
Phase 3, Schoongezicht in Paarl, violated and/or threatens to violate the rights of the applicants' children as envisaged in subsections 28(1)(c) and 29(1)(b) of the Constitution.

TAKE FURTHER NOTICE that any person or organisation may be admitted to the case as an *amicus curiae* as per the provisions of Rule 14 of the LCC Rules.

SIGNED AND DATED AT CAPE TOWN THIS 31st DAY OF AUGUST 2023.

WAKABA AND PARTNERS INC

Per:



Mr. Maxhoba Wakaba

Attorneys for 1st to 22nd Applicants

29 Guillame Avenue

Bordeaux

RANDBURG

Tel: 011 026 0727

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Email: max@wakaba.co.za

admin3@wakaba.com

Ref: **Mr Wakaba/Palesa/D09-19LIT**

TO: THE REGISTRAR
Land Claims Court
South Africa
RANDBURG

AND TO: DRAKENSTEIN MUNICIPALITY
First Respondent
Pentz Upper Street
WELLINGTON

7654

c/o VAN DER SPUY AND PARTNERS

36 Thom Street, Paarl,

7646

Per : Leigh de la Querra

Service by email as per previous agreement:

Email : Leigh@vdslegal.co.za

Erika@vdslegal.co.za

AND TO: GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

Second Respondent

c/o Office of the State Attorney

21 Long Street

Liberty Building

CAPE TOWN

Per: Louis Golding

Email: LGolding@justice.gov.za

CMallum@justice.gov.za

AND TO: HEAD OF THE WESTERN CAPE GOVERNMENT

Third Respondent

Premier, Mr. Alan Winde

7 Wale Street

Legislature Building

CAPE TOWN

Per: Louis Golding

Email: LGolding@justice.gov.za

CMallum@justice.gov.za

AND TO: MEYER & SARKAS ATTORNEYS

Fourth to Sixth Respondents' Attorneys

Per: N Sarkas

505 Buitenkloof Studios

8 Kloof Street, Gardens

Cape Town

Ref: W05298

Tel: 021 872 3014 Ext: 203

Service by email as per previous agreement:

Email: nathan@oostco.co.za

**AND TO: HEAD: WESTERN CAPE PROVINCIAL DEPARTMENT OF
AGRICULTURE, RURAL DEVELOPMENT AND LAND REFORM**

Seventh Respondent

Per: Lazerus Joseph

Service by email as per previous agreement:

Email: lionel.beerwinkel@drdlr.gov.za

CAPE TOWN

Per: Louis Golding

Email: L.Golding@justice.gov.za

CMallum@justice.gov.za