

**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

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Name: L PUTTER

Date: 19 March 2025

CASE NUMBER: 21/40484

In the matter between:

K2012150042 (SOUTH AFRICA) (PTY) LTD

Applicant

(Registration No.: 2012/150042/07)

and

UNKNOWN UNLAWFUL OCCUPIERS OF

ERF 7[...], E[...], TOWNSHIP

First Respondent

CITY OF JOHANNESBURG METROPOLITAN

MUNICIPALITY

Second Respondent

This judgment was handed down electronically by circulation to the parties' and/or the parties' representatives by email and by being uploaded onto CaseLines. The date and time for hand-down is deemed to be 19 March 2025.

JUDGMENT

PUTTER AJ:

Having considered the –

- (a) third supplementary affidavit filed on behalf of the applicant;
- (b) supplementary report from the second respondent ("**CoJ**") in respect of temporary emergency accommodation for the unlawful occupiers; and
- (c) different heads of argument filed on behalf of the applicant and the first respondent (who is also referred to as the "**Unlawful Occupiers**"); and
- (d) various conflicting draft orders exchanged on 21 November 2024 and filed by the applicant, CoJ and by the Unlawful Occupiers;

I make the following Order:

1. The Applicant is granted leave to supplement its papers by way of its supplementary affidavits dated 28 February 2024 and 14 November 2024.
2. The Second Respondent is granted leave to deliver its second supplementary report, dated 15 November 2024.
3. All the unlawful occupiers are to vacate the property described as **ERF 7[...], E[...], TOWNSHIP, REGISTRATION DIVISION I.R., THE PROVINCE OF GAUTENG, MEASURING 7.7780 HECTARES, HELD BY DEED OF TRANSFER NO. T[...]**, with the street address being **H[...], Road, C[...], D[...], Johannesburg ("the property")**.
4. The unlawful occupiers are directed to vacate the property by no later than 30 April 2025.
5. The buildings and/or structures on the property occupied by the unlawful occupiers are to be demolished and/or removed on or after 30 April 2025.

6. In the event that the unlawful occupiers fail to comply with paragraphs 4 and 5 above, the Sheriff of the Court, with the assistance of the South African Police Services, if necessary, is to carry out the order for eviction, demolition and/or removal referred to in paragraphs 4 and 5 above, commencing on 1 May 2025.

7. The Second Respondent is directed to provide Temporary Emergency Accommodation ("**TEA**") in respect of those unlawful occupiers whom the Second Respondent has identified as qualifying for such accommodation, provided that these persons are still resident at the property and have not voluntarily vacated it, by no later than 29 April 2025.

8. Having provided monthly reports relating to temporary accommodation, the Second Respondent must deliver on or before the last business day of each month, from 29 April 2025, updated monthly reports containing comprehensive information supported by substantiating documents setting out:

8.1 The current availability of alternative and/or TEA for the unlawful occupiers who shall require emergency and/or alternative accommodation in the event of their eviction from the property;

8.2 The information the Second Respondent has on the unlawful occupiers including:

8.2.1 the dates on which the relevant unlawful occupier came to live on the property;

8.2.2 the details of the informal dwellings that unlawful occupiers occupy on the property;

8.2.3 its assessment of the personal circumstances of such further persons identified therein who were not identified in previous temporary emergency accommodation reports, and whether such further persons will require emergency and/or alternative accommodation in the event of their eviction from the property.

8.3 The steps that the Second Respondent has taken and what steps it proposes to take to address the risk of homelessness for the unlawful occupiers in the event of their eviction including:

8.3.1 the timing of when temporary emergency accommodation may be made available and the nature and the location of the temporary

emergency accommodation to be provided;

8.3.2 the reasons why those steps are considered by the Second Respondent to be reasonably appropriate in the circumstances, particularly in view of the Second Respondent's financial and other constraints; and

8.3.3 the steps that the Second Respondent has taken to engage with the unlawful occupiers to address the risk of homelessness in the event of their eviction.

9. The obligation to deliver the monthly reports shall cease once the Second Respondent has provided temporary emergency accommodation in respect of those unlawful occupiers whom the Second Respondent has identified as qualifying for such accommodation.

10. The Applicant is directed to maintain security personnel at the property until 29 April 2025.

11. The Applicant and the Respondents are directed to meaningfully collaborate to ensure that access to the property is effectively monitored and regulated, with the aim of preventing any further persons from occupying the property and/or erecting any dwellings.

12. Each party is to pay its own costs.

BY ORDER,

REGISTRAR

L PUTTER

Acting Judge of the High Court
Gauteng Division, Johannesburg

Heard: 22 November 2024

Judgment: 19 March 2025

Appearances:

For Applicant: Adv P Carstensen SC
 Adv V Vergano

Instructed by: Le Roux Vivier Attorneys
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For First Respondent: E-mail Innercityfederation@gmail.com

For Second Respondent: E-mail legal@garnetinc.co.za