




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

Case Number: LCC119/2020

Before: The Honourable Acting Judge President Meer

Heard on: 26 October 2023

Delivered on: 26 October 2023

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES / NO	
(2) OF INTEREST TO OTHER JUDGES: YES / NO	
(3) REVISED: YES / NO	
<u>26/10/2023</u> DATE	 SIGNATURE

In the matter between:

MARIA JOHANNA KRUGER

Applicant

and

**TATE MATTHEW SIBANYONI &
SIBANYONI FAMILY**

First Respondent

**MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM**

Second Respondent

**PROVINCIAL HEAD OF THE DEPARTMENT
OF RURAL DEVELOPMENT AND LAND REFORM**

Third Respondent

ESKOM HOLDINGS SOC LTD

Fourth Respondent

STEVE TSHWETE MUNICIPALITY

Fifth Respondent

In re:

**TATE MATTHEW SIBANYONI &
SIBANYONI FAMILY**

Applicant

and

**MARIANNE VAN DER MERWE
AND ANY OTHER PERSON IN CHARGE OF THE
FARM 177, VAALBANK PROTION 13 HENDRINA,
MPUMALANGA**

First Respondent

**MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM**

Second Respondent

**PROVINCIAL HEAD OF THE DEPARTMENT
OF RURAL DEVELOPMENT AND LAND REFORM**

Third Respondent

**ESKOM HOLDINGS SOC LTD
STEVE TSHWETE MUNICIPALITY**

Fourth Respondent
Fifth Respondent

JUDGMENT – APPLICATION FOR LEAVE TO APPEAL DELIVERED ON

26 OCTOBER 2023

MEER, AJP

[1] The applicant applies for leave to appeal to the Supreme Court of Appeal against the whole my judgment and order handed down on 7 September 2021. There has been a delay in the bringing of this application as the parties were attempting to settle.

[2] The judgment considers a landowner's failure to consent to the installation of electricity to an occupier within the context of the right to human dignity included in

section 5(a) of the Extension of Security of Tenure Act 62 of 1997. The judgment finds that the installation of electricity is an improvement that is reasonably necessary to make the occupier's dwelling habitable, to enable him to exercise his right to human dignity included in section 5(a) of the Act.

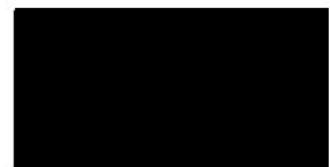
[3] The issue addressed in the judgment is one of important public interest concerning access to electricity in the context of the Bill of Rights. There is thus in my view a compelling reason why the appeal should be heard.

[4] This being so, the application for leave to appeal to the Supreme Court of Appeal is granted. In keeping with the practice of this court not to award costs unless there are exceptional circumstances, of which I find none in this application, there is no order as to costs.

[5] I grant the following order:

The application for leave to appeal to the Supreme Court of Appeal is granted.

There is no order as to costs.



Y S MEER

Acting Judge President
Land Claims Court

APPEARANCES

For the Applicant: Adv. M Snyman SC
Instructed by: **Brandmullers Inc.**

For the First Respondent: Adv. K S Mashaba
Instructed by: **Mthimunye Attorneys**