

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 November 2007

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

MINISTER OF LAND AFFAIRS AND AGRICULTURE & OTHERS v D & F WEVELL TRUST & OTHERS

1. In 2005 the Department of Land Affairs uncovered alleged irregularities in the valuations of farms in the Badplaas area purchased as part of the land distribution programme.

2. The Wevell Trust and the Clarke family had sold farms in that area to the Department in 2004. They brought proceedings in the Land Claims Court for payment of the prices agreed by the Department and approved by the Minister of Land Affairs and Agriculture. The Minister and the Department sought to have the sales set aside because they alleged that the prices of the farms had been fraudulently inflated. The LCC found that there was no basis for the allegations of fraud and that because these allegations should not have been persisted in, the Minister and the Department should pay the costs of the proceedings.

3. The Department failed timeously to apply for leave to appeal against the order of the LCC and the LCC refused to condone the delay. On appeal the SCA confirmed this decision because no proper explanation for the delay had been given. The SCA further held that the Minister and the Department had not made out a sufficient case for the matters to be sent back to the LCC for the hearing of further evidence.

4. Punitive costs orders were made against the Minister and the Department because of the failure to follow proper procedure.

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