



LEGAL RESOURCES CENTRE

NPO No. 023-004

PBO No. 930003292

Durban • N240 Dlakonia Centre • 20 St Andrews Street • Durban 4001 • South Africa

Tel: (031) 3017572 \* Fax: (031) 3042823 \* Docex 1 Parry Road Exchange \*mahendra@lrc.org.za

YourRef : Mr Zililo / npr / EM 19.20  
Our Ref : MRC/ 128 / 2006

Date :12 December 2006

**Mr Zililo**  
Linda Mazibuko & Associates  
Durban  
Fax : 304 1082

**URGENT**

Dear Sir,

**BHEKUYISE NGCOBO & ANNOTHER v ETHEKWINI MUNICIPALITY CASE  
NUMBER: 11981/2006  
DURBAN & COAST LOCAL DIVISION**

I refer to the above matter and to the Order obtained by consent last week. A copy is attached for your records.

I confirm receipt of your client's confirmatory affidavits, which are received without prejudice, especially as we have already averred in our replying affidavits that the allegations made by Mr. Sibisi are hearsay. We will accordingly apply for the confirmatory affidavits to be struck out if and when this matter returns to Court.

I further confirm informing your Mr. Zililo that it has been reported that your client intends conducting a fresh wave of relocations by demolition at Motala Farm tomorrow, 13 December 2006. Mr. Zililo confirmed that he was aware of this. I record that your clients have been cautioned not only to respect the attached Court Order, but are further cautioned that if any person is left homeless as a result of this process, we will bring urgent Court proceedings against the Ethekwini Municipality. Moreover, the SAPS, Pinetown has been apprised of this intended process and have been directed to arrest and detain any of your officers who violate the Order or the right of our client's to shelter, under the Constitution.

I would therefore suggest that you advise your clients to threat this matter with the utmost caution, lest they find themselves before the Court on contempt charges. In the event of an application being necessary, a copy of this letter will be placed before the Court.

Yours faithfully  
LEGAL RESOURCES CENTRE

MAHENDRA R CHETTY  
Encl.2

# LRC

## LEGAL RESOURCES CENTRE

Registration No 023-004-NPO

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Tel: (031) 3017572 • Fax: (031) 3042623 • Doxax 1 Parry Road Exchange 'mehendra@lrc.org.za

Your Ref :  
Our ref : MRC/ / 06

Date : 11 December 2006

The Station Commander  
Pinetown Police Station

**BY HAND**

Dear Sir,

### EVICCTIONS AT MOTALA FARM, PINETOWN

I act for the residents of the informal settlement at Motala Farm who secured an interdict against the Ethekwini Municipality from demolishing shacks without orders of Court. In the past, this practice of the Municipality has resulted in confrontation between its Protection Services and members of the informal settlement community. I have asked Mr Bheki Ngcobo, who represents the community, to hand to you a copy of the High Court's Order interdicting the Municipality from demolishing the shacks of the persons contained in Annexure "A".

The document is issued by the Registrar of the High Court. I would expect that you will do everything in your power to ensure that the respondents respect and obey the Order, and in the event of them transgressing, you are required to do what is necessary to protect the rights of the residents.

Should you have any difficulty in dealing with the matter please contact the writer. .

Yours faithfully  
LEGAL RESOURCES CENTRE

  
MAHENDRA R CHETTY

CASE NO. 11981/2006  
IN THE HIGH COURT OF SOUTH AFRICA  
DURBAN AND COAST LOCAL DIVISION  
BEFORE THE HONOURABLE Ms JUSTICE NILES-DUNÉR  
AT DURBAN ON THE 29 NOVEMBER 2006

IN THE MATTER BETWEEN

BHEKUYISE NGCOBO

FIRST APPLICANT

MOTALA FARM DEVELOPMENT COMMITTEE

SECOND APPLICANT

AND

ETHEKWINI MUNICIPALITY

1<sup>ST</sup> RESPONDENT

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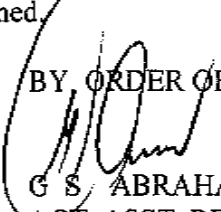
Upon the Motion of Counsel for the Applicant and upon reading the Rule Nisi issued out of this Court on 21 November 2006 and the other documents filed of record,

IT IS ORDERED:-

1. That the application is adjourned sine die;
2. That the rule granted on 21 November 2006 is extended until the day the matter is finally disposed of.
3. That the questions of costs are reserved;

It is recorded that the respondent undertakes that it will not demolish any of the shocks referred to in annexure "B11" to the First Applicant's supplementary affidavit without an order of Court duly obtained.

BY ORDER OF THE COURT

  
G S ABRAHAMS  
ACT. ASST. REGISTRAR

LEGAL RESOURCES CENTRE (WO)

ANNEXURE "B11"List of Resident & members of the Second Applicant

OWNER	SHACK NUMBER
K ALSON MKHIZE	65
BUSISIWE L MOTHU	A44
MTONBIZIMINGI SHOBEDE	C121
PHUNZILE P MPUNGOSE	D6
SWEETBERT MBAMBO	B77
STHEMBISO MKHIZE	87
SIZWE M NKWANYANE	D1
THEMBEKILE F YENDE	A40

TENANT'S LIVING IN STRUCTURES OWNED BY 3 <sup>RD</sup> PARTY	SHACK NUMBER
NTOKOZO NDLOVU	B86
HLENGIWE NGCOBO	104
PHINDILE SINDI NGCOBO	C129
SYABONGA DLAMINI	C129
THAMU S KUENE	D8
THOKOZANI W MAPHUMULO	111C



A-B