

**IN THE HIGH COURT OF SOUTH AFRICA  
WITWATERSRAND LOCAL DIVISION**

**CASE NO 17819/08  
PH**

**In the matter between:**

**MNISI, MAUREEN AND OTHERS**

**Applicants**

**And**

**THE CITY OF JOHANNESBURG**

**Respondent**

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**ORDER**

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**It is ordered that:**

1. The Respondent is under a constitutional and statutory obligation in terms of section 26 of The Constitution of the Republic of South Africa, 1996 and Chapters 12 and 13 of the Housing Code read with section 9(1) of the Housing Act, 1997, to have a policy and or programme in place which:
  - 1.1. makes short-term provision for residents in the area of jurisdiction of the Respondent who are in a crisis or in a desperate situation, including those of the applicants who are living in a similar situation at the Protea South Informal Settlement;
  - 1.2. provides housing relief for residents in the area of jurisdiction of the Respondent, including those of the applicants, who are in a crisis or desperate situation;
  - 1.3. gives adequate priority and resources to the needs of the residents in the area of jurisdiction of the Respondent, including those of the applicants residing at Protea South Informal Settlement, who do not have access to a suitable place where they may lawfully live.
2. The Respondent is directed within one month of the date of this order to deliver a report or reports under oath stating:
  - 2.1. What steps it has taken, including steps to get an agreed, mediated solution, to comply with its constitutional and statutory obligations to devise and implement within its

available resources a comprehensive and co-ordinated programme to progressively realise the right to adequate housing for the Applicants, stating in particular whether it has fully investigated the options of *in situ* upgrading of the Protea South Informal Settlement and/or relocation to sites as close as possible to the Protea South Informal Settlement.

2.2 What steps it has taken, pending the formulation and implementation of permanent housing solutions for the occupiers of the Protea South Informal Settlement, in compliance with its constitutional and statutory obligations in terms of section 26 and 27 of The Constitution of the Republic of South Africa, 1996 and Chapters 12 and 13 of the Housing Code read with section 9(1) of The Housing Act, 1997, Regulation 3(b) of the Regulations Relating to Compulsory National Standards and Measures to Conserve Water promulgated in Government Notice No.R.509 date 8 June 2001 in terms of the Water Services Act, 108 of 1997 and By-Law 3 of the Johannesburg Metropolitan Municipality Water Services By-Laws published in Provincial Gazette Extraordinary No.179, dated 21 May 2004, Notice No 835, to provide to the Protea South Informal Settlement, the following basic interim services;

2.2.1 The provision of potable water;

2.2.2. Temporary Sanitation Facilities;

2.2.3 Refuse Removal Facilitation; and

2.2.4 High Mast Lighting in key areas to enhance community safety and access by emergency vehicles.

3. The Applicants may within four weeks of delivery of that Report, deliver commentary thereon, under oath.
4. The Respondent may within two weeks of delivery of that commentary, deliver its reply thereto under oath.
5. The case is postponed to a date to be fixed by the Registrar for consideration and determination of the aforesaid report, commentary and reply.
6. The parties shall pay their own costs to the date of this Order.

DATED AT JOHANNESBURG on this the      day of                      2008

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**Registrar**