



VRYSTAAT HOË HOF, BLOEMFONTEIN
Republiek van Suid-Afrika

Saak No: 827/2012

Voor Sy Edele Regter **CHG VAN DER MERWE**

Op die 27ste dag van **FEBRUARIE 2012**

In die aansoek van:

**DIE MINISTER VAN LANDELIKE
ONTWIKKELING EN GRONDHERVORMING**

1^{ste} Applikant

MALUTI-A-PHOFUNG MUNISIPALITEIT

2^{de} Applikant

en

MORENA TSHOLO MOPELI

1^{ste} Respondent

DIE MABOLELA TRADISIONELE RAAD

2^{de} Respondent

**DIE ONWETTIGE OKKUPEERDERS VAN DIE
RESTANT VAN DIE PLAAS "BLUEGUMBOSH 199",
DISTRIK HARRISMITH**

3^{de} Respondent

**POTENËLE ONWETTIGE OKKUPEERDERS VAN DIE
RESTANT VAN DIE PLAAS "BLUEGUMBOSH 199"
DISTRIK HARRISMITH**

4^{de} Respondent

Na oorweging van die Kennisgewing van Mosie en die ander dokumente wat ingedien is en na aanhoor van die Advokaat vir Applikante,

WORD DIT GELAS DAT:

1. Die Applikante se versuim om te voldoen aan die bogemelde Agbare Hof se Reëls met betrekking tot vorms en betekening word gekondoneer en hierdie aansoek word aangehoor as 'n dringende aansoek in terme van die bepalings van Reël 6(12) van die Reëls van Bogemelde Agbare Hof;

2. 'n *Bevel nisi* word hiermee uitgereik wat die Respondente oproep om redes te verskaf, indien enige, op Donderdag 22 Maart 2012 waarom 'n bevel in die volgende terme nie verleen moet word nie:
 - 2.1 Dat die Eerste en Tweede Respondente verbied word om residensiële en/of besigheidspersone te die Restant van die plaas "**Bluegumbosh 199**", distrik Harrismith, Vrystaat Provinsie te verkoop en/of te allokeer;
 - 2.2 Dat Derde en Vierde Respondente verbied word om enige gedeelte van die plaas "**Bluegumbosh 199**", distrik Harrismith, Vrystaat Provinsie te okkupeer;
 - 2.3 Dat die Derde en Vierde Respondente verbied word om die strukture operig op die Restant van die plaas "**Bluegumbosh 199**", distrik Harrismith, Vrystaat Provinsie te okkupeer, alternatiewelik te betrek, verdere alternatiewelik toe te rus op enige wyse;
 - 2.4 Dat die Derde en Vierde Respondente beveel word om die strukture operig op die Restant van die plaas "**Bluegumbosh 199**", distrik Harrismith, Vrystaat Provinsie binne sewe dae vanaf datum van hierdie bevel te sloop, by versuim waarvan:
 - (i) Die Tweede Applikant; en
 - (ii) Die Balju vir die distrik Harrismith, Vrystaat Provinsie,Gemagtig word om dit te doen.
 - 2.5 Dat die Respondente, sou hierdie aansoek onsuksesvol geopponeer word, beveel word om die koste van hierdie aansoek, gesamentlik en afsonderlik, betaling deur die een die ander vrygeskeld te word, te betaal;
3. Die *Bevel nisi* in bedes 2.1, 2.2 en 2.3 hierbo sal dien as 'n tussentydse interdik met onmiddellike werking, hangende die finalisering van hierdie aansoek;
4. Dat hierdie bevel as volg beteken word op die Respondente:
 - 4.1 Deur 'n kopie daarvan in Engels, Afrikaans en Sesotho aan te bring op drie (3) kennisgewingborde aangebring deur die Tweede Applikant op die Restant van die Plaas "**Bluegumbosh 199**", distrik Harrismith, Vrystaat Provinsie;

4.2 Dat die Respondente per luidspreker ingelig word van die inhoud van hierdie bevel.

OP LAS VAN DIE HOF



HOFGRIFFIER

**STAATSPROKUREUR
McINTYRE & VAN DER POST**



**FREE STATE HIGH COURT, BLOEMFONTEIN
Republic of South Africa**

Case No: 827/2012

Before the Honourable Justice CHG VAN DER MERWE

On the 27th day of FEBRUARY 2012

In the matter of:

**THE MINISTER OF RURAL DEVELOPMENT AND
LAND REFORM**

1st Applicant

MALUTI-A-PHOFUNG MUNICIPALITY

2nd Applicant

and

MORENA TSHOLO MOPELI

1st Respondent

THE MABOLELA TRADITIONAL COUNCIL

2nd Respondent

**THE UNLAWFUL OCCUPIERS OF THE REMAINDER
OF THE FARM "BLUEGUMBOSH 199", DISTRICT
HARRISMITH**

3rd Respondent

**POTENTIAL UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM "BLUEGUMBOSH 199",
DISTRICT HARRISMITH**

4th Respondent

Having considered the Notice of Motion and the other documents filed of record and having heard Counsel for Applicant,

IT IS ORDERED THAT:

1. The Applicants' failure to comply with the Honourable Court's rules pertaining to service, notice and process is condoned and that this application is heard as an urgent application in terms of Rule 6(12) of the Uniform Rules of Court.

2. A *Rule Nisi* is hereby issued, calling upon Respondents to furnish reasons, if any, on **THURSDAY, 22 MARCH 2012**, why an order in the following terms should not be granted:
 - 2.1 That First and Second Respondents be interdicted from selling / allocating residential and/or business sites at the Remaining extent of the farm "**Bluegumbosh 199**", district HARRISMITH, Free State Province;
 - 2.2 That Third and Fourth Respondent be interdicted from occupying any portion of the farm "**Bluegumbosh 199**", district HARRISMITH, Free State Province;
 - 2.3 That Third and Fourth Respondents be interdicted from occupying alternatively moving into, alternatively further furnishing in any manner whatsoever the structures erected on the remaining extent of the farm "**Bluegumbosh 199**", district HARRISMITH, Free State Province;
 - 2.4 That Third and Fourth Respondent be directed to demolish the structures erected on the remaining extent of the farm "**Bluegumbosh 199**", district HARRISMITH, Free State Province within **seven (7) days** of this order, failing which the :
 - (i) Second Applicant; as well as
 - (ii) the Deputy Sheriff for the district of HARRISMITH, Free State Province,is authorised to do so;
 - 2.5 That the Respondents, in the event of unsuccessfully opposing this application, be ordered to pay the costs hereof, jointly and severally, payment by the one, the other to be absolved.
3. The *Rule Nisi* in prayers 2.1, 2.2 and 2.3 above serve as interim interdict with immediate effect, pending the finalization of this application.
4. That this order be served on the Respondents :
 - 4.1 by affixing a copy thereof in English, Afrikaans and Sesotho on three (3) notice boards erected by Second Application on the remaining extent of the farm "**Bluegumbosh 199**", district HARRISMITH, Free State Province;

4.2 by informing the Respondents per loudhailer of the contents of this order.

BY ORDER OF THIS COURT


COURT REGISTRAR

**STATE ATTORNEY
McINTYRE & VAN DER POST**



FREE STATE HIGH COURT, BLOEMFONTEIN
Republic of South Africa

Case No: 827/2012

Before the Honourable Justice S EBRAHIM

On the 22nd day of MARCH 2012

In the matter between:

THE MINISTER OF RURAL DEVELOPMENT AND LAND 1st Applicant

MALUTI-A-PHOFUNG MUNICIPALITY 2nd Applicant

and

MORENA TSHOLO MOPELI 1st Respondent

THE MABOLELA TRADITIONAL COUNCIL 2nd Respondent

THE UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM "BLUEGUMBOSH 199",
DISTRICT HARRISMITH 3rd Respondent

POTENTIAL UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM "BLUEGUMBOSH 199",
DISTRICT HARRISMITH 4th Respondent

Having considered the Notice of Motion and the other documents filed of record and
having heard Counsel for Applicant,

IT IS ORDERED THAT: (By agreement)

1. The *rule nisi* is extended until 26 April 2012;
2. Respondents are to file their opposing affidavits, if any, on or before 5 APRIL 2012;

3. Applicants are to file their replying affidavits, if any, on or before **19 APRIL 2012**;
4. **First, Third and Fourth Respondents** are to pay the costs in regards to **22 March 2012**, jointly and severally, payment by the one to absolve the other.

BY ORDER OF THIS COURT


COURT REGISTRAR

**STATE ATTORNEY
McINTYRE & VAN DER POST**



FREE STATE HIGH COURT, BLOEMFONTEIN
Republic of South Africa

Case No: 827/2012

Before the Honourable Justice JP DAFFUE

On the 26th day of APRIL 2012

In the matter of:

THE MINISTER OF RURAL DEVELOPMENT AND
LAND REFORM

1st Applicant

MALUTI-A-PHOFUNG MUNICIPALITY

2nd Applicant

and

MORENA TSHOLO MOPELI

1st Respondent

THE MABOLELA TRADITIONAL COUNCIL

2nd Respondent

THE UNLAWFUL OCCUPIERS OF THE REMAINDER
OF THE FARM "BLUEGUMBOSH 199", DISTRICT
HARRISMITH

3rd Respondent

POTENTIAL UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM "BLUEGUMBOSH 199",
DISTRICT HARRISMITH

4th Respondent

Having considered the Notice of Motion and the other documents filed of record and
having heard Counsel for Applicants,

IT IS ORDERED THAT:

1. The *rule nisi* is extended and the application postponed till **31 MAY 2012**.
2. First, Third and Fourth Respondents shall serve and file their answering affidavits on or before **18 May 2012 at 16h00**;

3. Applicant shall serve and file their replying affidavits, if any, on or before **25 May 2012 at 11h00;**
4. The wasted costs of today stands over for further adjudication.
5. The Legal Aid Board In Phuthaditjhaba is requested to consider First, Third and Fourth Respondents' application for legal aid swiftly and formally in order for them to be able to comply with this order and to ensure that a legal representation is available to draft heads of argument and to argue the application;
6. The sheriff of Phuthaditjhaba is directed and authorised to demolish any furthers shacks to be erected on the property from today onwards and till finalisation of this application;
7. This order only should be posted in the notice board, on the property in Afikaans, English and Sesotho, and the sheriff is directed to read out the order on the property by making use of a load hailer.

BY ORDER OF THIS COURT

COURT REGISTRAR

**STATE ATTORNEY
McINTYRE & VAN DER POST**



VRYSTAAT HOË HOF, BLOEMFONTEIN
Republiek van Suid-Afrika

Saak No: 827/2012

Voor Sy Edele Regter **JP DAFFUE**

Op die 26ste dag van **APRIL 2012**

In die aansoek van:

**DIE MINISTER VAN LANDELIKE
ONTWIKKELING EN GRONDHERVORMING**

1^{ste} Applikant

MALUTI-A-PHOFUNG MUNISIPALITEIT

2^{de} Applikant

en

MORENA TSHOLO MOPELI

1^{ste} Respondent

DIE MABOLELA TRADISIONELE RAAD

2^{de} Respondent

**DIE ONWETTIGE OKKUPEDERS VAN DIE
RESTANT VAN DIE PLAAS "BLUEGUMBOSH 199",
DISTRIK HARRISMITH**

3^{de} Respondent

**POTENIELE ONWETTIGE OKKUPEDERS VAN DIE
RESTANT VAN DIE PLAAS "BLUEGUMBOSH 199"
DISTRIK HARRISMITH**

4^{de} Respondent

Na oorweging van die Kennisgewing van Mosie en die ander dokumente wat ingedien is en na aanhoor van die Advokaat vir Applikante,

WORD DIT GELAS DAT:

1. Die *bevel nisi* word verleng en die aansoek uitgestel tot **31 MEI 2012**;
2. Eerste, Tweede en Derde Resondente sal hul antwoordende eedsverklarings beteken en liasseer voor of op **18 MEI 2012 om 16h00**;

3. Applikante sal hul repliserende eedsverklarings, indien enige, beteken en liasseer voor of op **25 MEI 2012 om 11h00**;
4. Die verspilde koste van vandag staan oor vir latere beregting;
5. Die Regshulpraad in Phuthaditjhaba word versoek om 1ste, 3de en 4de Respondente se aansoek vir regshulp spoedig en formaal te oorweeg ten einde die 1ste, 3de en 4de Respondente in staat te stel om die bepalings van hierdie bevel na te kom en te verseker dat 'n regsverteenwoordiger beskikbaar is om betoogshoofde op te stel en die aansoek te argumenteer;
6. Die Balju van Phuthaditjhaba word gemagtig en beveel om enige verdere strukture wat vanaf vandag tot finalisering van hierdie aansoek opgerig word, af te breek;
7. Hierdie bevel alleenlik moet aangebring word op die kennisgewingbord op die eiendom in Afrikaans, Engels en Sesotho, en die Balju word beveel om hierdie bevel uit te lees op die eiendom deur gebruik te maak van 'n luidspreker.

OP LAS VAN DIE HOF


HOFGRIFTER

**STAATSPROKUREUR
McINTYRE & VAN DER POST**



FREE STATE HIGH COURT, BLOEMFONTEIN
Republic of South Africa

Case No: 827/2012

Before the Honourable Acting Judge SNELLENBURG

On the 22nd day of JUNE 2012

In the matter of:

**THE MINISTER OF RURAL DEVELOPMENT AND
LAND REFORM**

1st Applicant

MALUTI-A-PHOFUNG MUNICIPALITY

2nd Applicant

and

MORENA TSHOLO MOPELI

1st Respondent

THE MABOLELA TRADITIONAL COUNCIL

2nd Respondent

**THE UNLAWFUL OCCUPIERS OF THE REMAINDER
OF THE FARM "BLUEGUMBOSH 199", DISTRICT
HARRISMITH**

3rd Respondent

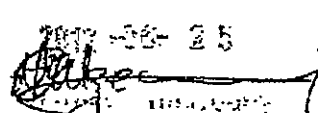
**POTENTIAL UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM "BLUEGUMBOSH 199",
DISTRICT HARRISMITH**

4th Respondent

Having considered the Notice of Motion and the other documents filed of record and having heard Counsel for Applicant,

IT IS ORDERED THAT: (By agreement)

1. Paragraphs 2.1, 2.2 and 2.3 of the *rule nisi*, as amended, are confirmed.

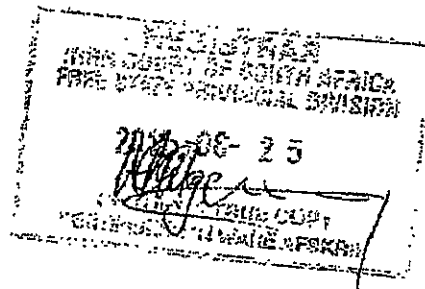
2012-06-25


2. The First Respondent pay the First and Second Applicants' taxed costs of the application, including reserved costs of 26 April 2012 and 31 May 2012.
3. The First Respondent pay 50% of the Second Respondent's taxed costs, pertaining only to preparation (excluding the drafting of heads of argument) for the opposed motion, as well as the Second Respondent's allowed and or taxed costs pertaining to travelling and accommodation disbursements to attend the hearing of this matter, if applicable, and appearance fee for 21 June 2012;
4. The Second Respondent's attorney and or the attorney that appeared for the Second Respondent may not recover any fees for the heads of argument that were filed on behalf of the Second Respondent;
5. The *rule nisi* regarding paragraph 2.4 and 2.5, with regards to costs pertaining to paragraph 2.4, is extended and the application postponed to 12 JULY 2012.
6. The costs relating to the Third Respondents preparation for and appearances on 21 and 22 June 2012 are reserved
7. Condonation and leave is granted to the applicants to proceed with the application for relief in terms of paragraph 2.1 in terms of section 5(2) read with Section 6 of Act 19 of 1998.
8. The applicants are directed to serve the section 5(2) and 6 notice, marked "X" in terms of the directions set out in the notice.
9. Leave is granted to the applicants and Third Respondent to file supplementary affidavits, if so advised.

BY ORDER OF THIS COURT

COURT REGISTRAR

STATE ATTORNEY
BOTHÁ HEFER INC



1 " X "

Free State High Court, Bloemfontein
Republic of South Africa

APPLICATION NO : 827 / 2012

In the matter between :

THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

1st Applicant

MALUTI-A-PHOFUNG MUNICIPALITY

2nd Applicant

and

MORENA TSHOLO MOPELI

1st Respondent

THE MABOLELA TRADITIONAL COUNCIL

2nd Respondent

THE UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199", DISTRICT HARRISMITH

3rd Respondent

POTENTIAL UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199", DISTRICT HARRISMITH


4th Respondent

NOTICE IN TERMS OF SECTIONS 5(2) AND 6 OF ACT 19 OF 1998

IT IS HEREBY ORDERED :

1. That written and effective directions as to the service and notice of the hearing of an application to be brought by the applicant for the eviction of the

respondents in terms of Section 5(2) and 6 of Act 19 of 1998 is given as follows:

- 1.1 That the respondents be informed that the date on which the said application shall be heard shall be the ¹²4th JULY 2012 at 09:30. 
- 1.2 That the respondents are hereby notified that the applicants will on the above date apply for an order in the following terms:
- 1.2.1 Eviction of the third respondent, occupying the property known as Remaining Extent of the farm "Bluegumbosh 199", HARRISMITH, Free State Province;
- 1.2.2 Determination of a just and equitable date on which the respondents must vacate the property;
- 1.2.3 Determination of the date on which an eviction order may be carried out if the respondents have not vacated the property by the date set in paragraph 1.1 hereof.
- 1.2.4 An order in respect of which the third respondent will be liable for payment of the costs of the applicants on an attorney and client scale;
- 1.3 THAT THE RESPONDENTS SHALL FURTHER BE INFORMED OF THE RELEVANT PROVISIONS OF SECTION 4 OF ACT 19 OF 1998 NAMELY THAT:
- 1.3.1 The application is brought in terms of Section 5 and 6 of Act 19 of 1998;

1.3.2 The grounds for the proposed eviction are as set out in the affidavit attached to the application, which grounds are summarized as follows:

1.3.2.1 The property concerned being the Remaining Extent of the farm "Bluegumbosh 199", HARRISMITH, Free State Province is the property of the Government of South Africa.

1.3.2.2 That the first respondent's allocation of sites to any occupiers on the property referred to, was unlawful and void.

1.3.2.3 That the respondents are pursuant to the above, in unlawful occupation of the property within the meaning of Act 19 of 1998 and are not occupiers in terms of the Extension of Security of Tenure Act of 1987;

1.3.2.4 That the respondents are entitled to defend the case and where necessary has the right to apply for legal aid.

1.4 That this notice together with the order made in pursuance thereof shall be served on the Respondents by the Sheriff by :

(a) affixing a copy thereof in English, Afrikaans and Sesotho on three (3) notice boards erected by Second Applicant on the Remaining Extent of the farm "Bluegumbosh 199", HARRISMITH, Free State Province;

(b) by informing the Respondents per loudhailer of the contents of this order;

before **MONDAY, 2nd JULY 2012.**

DATED at BLOEMFONTEIN on this 22nd day of JUNE 2012

**BY ORDER
REGISTRAR**

1

VRYSTAAT HOË HOF, BLOEMFONTEIN
Republiek Van Suid Afrika

SAAK NOMMER: 827/2012

in die aansoek van:

**DIE MINISTER VAN LANDELIKE ONTWIKKELING EN
GROND HERVORMING**

1ste Applikant

MALUTI-A-PHOFUNG MUNISIPALITEIT

2de Applikant

en

MORENA TSHOLO MOPELI

1ste Respondent

DIE MABOLELA TRADISIONELE RAAD

2de Respondent

**DIE ONWETTIGE OKKUPEERDERS VAN DIE RESTANT
VAN DIE PLAAS "BLUEGUMBOSH 199", DISTRIK
HARRISMITH**

3de Respondent

**POTENSIËLE ONWETTIGE OKKUPEERDERS VAN DIE
RENTANT VAN DIE PLAAS "BLUEGUMBOSH 199",
DISTRIK HARRISMITH**

4de Respondent

KENNISGEWING IN TERME VAN ARTIKELS 5(2) EN 6 VAN WET 19 VAN 1998

DIT WORD HIERMEE GELAS:

1. Dat skriftelike en effektiewe voorskrifte met betrekking tot die betekening en kennisgewing van die aanhoor van 'n aansoek gebring te word deur die applikante vir die uitsetting van die respondente in terme van Artikel 5(2) en 6 van Wet 19 van 1998, gegee word soos volg:

1.1 Dat die respondente in kennis gestel word dat die datum waarop die voormelde aansoek aangehoor sal word, 12 Julie 2012 om 09h30 sal wees;

1.2 Dat die respondente hiermee in kennis gestel word dat die applikante op die voormelde datum aansoek sal doen vir 'n bevel in die volgende terme:

1.2.1 Uitsetting van die derde respondent, as synde die okkupeerder van die eiendom bekend as die restant van die plaas "Bluegumbosh 199", HARRISMITH, Vrystaat Provinsie, uit die eiendom;

1.2.2 Die bepaling van 'n redelike en billike datum waarop die gemelde respondent die voormelde eiendom moet ontruim;

1.2.3 Die bepaling van 'n datum waarop 'n uitsettingsbevel uitgevoer mag word sou die respondent nie die eiendom ontruim voor of op die datum vasgestel in paragraaf 1.2.2 hierbo nie;

1.2.4 'n Bevel in terme waarvan die derde respondent aanspreeklik sal wees vir die betaling van die koste van die applikante op 'n prokureur en kliënt skaal;

1.3 Dat die respondente verder in kennis gestel word van die relevante bepalings van Artikel 4 van Wet 19 van 1998, naamlik dat:

- 1.3.1 Die aansoek gebring word in terme van die bepalings van Artikel 5 en 6 van Wet 19 van 1998
- 1.3.2 Dat die gronde vir die voorgenome uitsetting is soos uiteengesit in die beëdigde verklarings aangeheg tot bogemelde aansoek, welke gronde as volg saamgevat word:
- 1.3.2.1 Die betrokke eiendom, as synde die restant van die plaas "Bluegumbosh 199", HARRISMITH, Vrystaat Provinsie, is die eiendom van die Republiek van Suid-Afrika;
- 1.3.2.2 Dat die eerste respondent se allokering van persele op die eiendom hierbo na verwys, aan die okkupeerders, onregmatig en nietig was;
- 1.3.2.3 Dat die respondente in die lig van bogemelde in onregmatige okkupasie van die eiendom is soos bedoel in Wet 19 van 1998 en nie okkupeerders is in terme van die Wet op die Uitbreiding van Sekerheid van Verblyfreg Wet 62 van 1997 nie;
- 1.3.2.4 Dat die respondente geregtig is om die aansoek te opponeer en waar nodig aansoek te doen vir regshulp;
- 1.4 Dat hierdie kennisgewing tesame met enige bevel ter uitvoering daarvan beteken sal word op die respondente deur die Balju as volg:
- (a) Deur 'n kopie daarvan in Afrikaans, Engels en Sesotho aan te bring op drie kennisgewingborde opgerig deur die tweede applikant op die restant van die plaas "Bluegumbosh 199", HARRISMITH, Vrystaat Provinsie;

- (b) Deur die respondente by wyse van 'n luidspreker in kennis te stel van die inhoud van hierdie kennisgewing.

voor of op **MAANDAG, 2 JULIE 2012.**

GEDATEER TE BLOEMFONTEIN OP HIERDIE 22STE DAG VAN JUNIE 2012.

OP LAS VAN DIE HOF

GRIFFIER

HOË HOF

BLOEMFONTEIN

LEKGOTLENG LEPHAHAMENG LA VRYSTATA, BLOEMFONTEIN
Rephaboliki ya Afrika Borwa

Nomoro ea Nyewe: 827/2012

Nyeweng Ea:

**LETONA LA TLHABOLLO EA MOBU
LE NTLAFATSO EA MAHAE**

Moipelaetsi oa Pele (1)

MASEPALA OA MALUTI-A-PHOFUNG

Moipelaetsi oa Bobedi (2)

Le

MORENA TSHOLO MOPELI

Moikarabeli oa Pele (1)

**THE MABOLELA TRADITIONAL
COUNCIL**

Moikarabeli oa Bobedi(2)

**BADUDI BA SENG MOLAONG
KAROLONG EA POLASI
"BLUEGUMBOSH 199",
SETEREKENG SA HARRISMITH**

Moikarabeli oa Boraro (3)

**BADUDI BAO HO KA ETSahalang
BADULE KA HO SENG MOLAONG
KAROLONG EA POLASI
"BLUEGUMBOSH 199"
SETEREKENG SA HARRISMIT**

Moikarabeli oa Bone (4)

**TSEBISO MABAPI LE KAROLO YA SENGOLOA SA BO 5(2) LE YA BO 6
KETSONG YA 19 YASELEMÓ SA 1998**

TAELO ERE:

1. Taelo ere ho latela karolo ya molawana wa sengoloa sa 5(2) le 6 ya ketso ya 1998, ere ho tloha honajwale kopo ya ditshebelletso le di tsibiso tsa dipatlisiso etla tlišwa ke moqusi mabapi le ho nyaola/hotabela moqusuwa ka tsela tse latelang;

- 1.1 Baikarabelli o tla tsibiswa ka letsatsi leo kopo etlang homamelwa ka lona, moqusuwa otsibiswa hore letsatsi leo e tla ba la di 12 tsa phupjane (July) selemong sona sena sa 2012 ka hora ya borobong ha e fetile ka metsotso e mashome a maroro 9h30;
- 1.2 Baikarabelli ba tsibiswa hore baqusi ba tla etsa kopo ya taelo ya lekgotla ka letsatsi leo hore;
 - 1.2.1 Ho nyaolwe moikarabelli wa boraro ya dulang tulong e tsejwang hore ke karolo e setseng ya polasi ya "BLUEGUMBOSH 199", HARRISMITH, PROFENSING YA FOREI SETATA.
 - 1.2.2 Maikemisetso a senang leeme a tharollo eo eleng hore baqusuwa ba tshwanetse ho tloha tulong eo.
 - 1.2.3 Maikemisetso a letsatsi leo eleng hore taelo ya ho tloswa ha baqusuwa e tla nka sebaka ha ebe ba soka ba tloha tulong eo ka letsatsi le boletsweng pejana ho sekgeo sa 1.1;
 - 1.2.4 Taelo mabapi le moqusuwa wa boraro ke hore moqusuwa wa boraro o tla ba le tlameho ya ho patala ditjeho tsa molao tsa babueli/maqwetha a baqusi ka mkgwa wa sekala sa babueli.
- 1.3 HOFETA FETA MOO BAQUSUWA BA TLA TSIBISWA KA PHANO E BAPILENG LE MOLAWANA WA KETSO YA BO 4 KAROLONG YA 19 YA 1998 HORE;
 - 1.3.1 Kopo e tlisitswe mabapi le karolo ya bo 5 le 6 ketsong ya 19 ya 1998;
 - 1.3.2 diqoso tse hlahisitsweng kapa ho koptjwa ha ho tloswa di beilwe le ho manamiswa kopong ha ho ne ho etswa boitlamo, di qoso tseo di kgutsufaditswe ka tseia ena e latelang;
 - 1.3.2.1 Bodulo/lefatshe/setsha se boletsweng se setseng polasing ya "BLUEGUMBOSH 199", HARRISMITH, POROFENSING YA

FOREISETATA, setsha seo ke sa mmuso wa Afrika borwa.

1.3.2.2 Setsha sa moqusuwa wa pele ho badudi ba moo setshe seo se beilwe hore ha ho molaong ho dula moo.

1.3.2.3 Baqusuwa ba tswelletse ho dula moo ka mkgwa o seng molaong setsheng seo, ho latela ketso ya 19 ya 1998 badudi bao ha sei badudi ba moo ho ya ka keketso ya tshireletso ya ketso ya molao wa tenure ya 1997.

1.3.2.4 Hore baikarabelli ba dumelletse ho ipuella/ho itshereletsa/ho itwanela mabapi le nyewe ena ha ho hlokahala ba na le tokelo ya ho etsa kopo ho lekala la tshuso ya tsa molao.

1.4 Tsibiso ena mmoho le taelo ya kgotla e etseditswe ho iswa ho aqusuwa ke mohlanka wa lekgotla;

a) Taelo e tle ka senyesemane, seburu le sesotho dibotong tse tharo tsa ditsibiso tse phahamisitsweng ke moqusi wa bobedi wa polesi e setseng ya "BLUEGUMBOSH 199", HARRISMITH, POROFENSING YA FOREISETATA.

b) Ka ho tsibisa baqusuwa ka kgoholetso ya taelo;

Pele ho mantaha wa di 2 tsa July selemong sona sa 2012.

E ENTSWE MANGAUNG BLOEMFONTEIN ka tsantsi lena la di 27 JUNE 2012.

KA TAELO EA LEKGOTLA LENA

MONGODI OA LEKGOTLA

"A"

Case no : 827/12
FREE STATE HIGH COURT, BLOEMFONTEIN
(Republic of South Africa)

On the 14TH day of JUNE 2013

Before the Honourable Judge **N SNELLENBURG, AJ**

In the matter between :

MORENA TSHOLO MOPELI	1ST APPLICANT
THE MABOLELA TRADITIONAL COUNCIL	2ND APPLICANT
THE UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMOSH 199", DISTRICT HARRISMITH	3RD APPLICANT
POTENTIAL UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199" DISTRICT HARRISMITH	4TH APPLICANT

VS

MINISTER OF RURAL DEVELOPMENT AND LAND REFORM	1ST RESPONDENT
MALUTI-A-PHOFUNG MUNICIPALITY	2ND RESPONDENT

Having considered the application for leave to appeal and other documents which were handed in and after having heard the Advocate for the Applicant and the Advocate for the Respondent

IT IS ORDERED THAT :

1. Condonation granted.
2. Applicant for condonation is ordered to pay the costs of the application.
3. The application for leave to appeal is dismissed with costs.

BY ORDER OF THIS COURT

D. Buch

COURT REGISTRAR

BOTHA HEFER ATTORNEYS
STATE ATTORNEY
McINTYRE & VAN DER POST
PEYPER SESELE INC

T.M. 

DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE

SUPREME COURT OF APPEAL
HOOGSTE HOF VAN APPEL

BLOEMFONTEIN 9300



REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

P O BOX 258
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TEL: (051) 412 7400
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ENQ: MS P MOLOKO

DATE: 06 NOVEMBER 2013

REF: 674/2013

YOUR REF: W J Botha/bv/MOP7/0001

Bother Hefer Attorneys
P O Box 38962
LANGEHOVENPARK
9330

Mr / Ms

YOUR REF: 788/201200145/P9 B

State Attorney
Private Bag X 20630
BLOEMFONTEIN
9300



**APPLICATION FOR LEAVE TO APPEAL
MORENA TSOLO MOPELI & OTHERS v MINISTER OF
RURAL DEVELOPMENT & LAND REFORM & ANOTHERS**

With reference to the application lodged in this office on 23 AUGUST 2013 this Court ordered on 06 NOVEMBER 2012 that the application be dismissed as per attached order:-

Yours faithfully


PSW MYBURGH (MR)
ACT REGISTRAR

REGISTERED POST (H/B/D/O)

YOUR REF: 827/12 Swellenburg J (Court a quo)

Registrar of the High Court
Private Bag X 20612
BLOEMFONTEIN
9300

Copy for your information.



**SUPREME COURT OF APPEAL OF
SOUTH AFRICA**

APPEAL CASE NO: 674/2013
FSHC CASE NO: 827/2012

In the matter between:

MORENA TSHOLO MOPELI	1 st APPLICANT
THE UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199" DISTRICT HARRISMITH	2 nd APPLICANT
POTENTIAL UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199" DISTRICT HARRISMITH	3 rd APPLICANT

and

THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM	1 st RESPONDENT
MALUTI-A-PHOFUNG MUNICIPALITY	2 nd RESPONDENT

**COURT ORDER
PER SHONGWE *et* WILLIS JJA
ORDERED ON 06 NOVEMBER 2013**

Condonation applied for is granted. The applicant for condonation is to pay the costs of the application.

The application for leave to appeal is dismissed with costs.

By the court


PSW MYBURGH (MR)
ACT REGISTRAR



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 170/13

In the matter between:

MORENA TSHOLO MOPELI

First Applicant

**UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM BLUEGUMBOSH 199,
DISTRICT HARRISMITH**

Second Applicant

**POTENTIAL UNLAWFUL OCCUPIERS OF THE
REMAINDER OF THE FARM BLUEGUMBOSH 199,
DISTRICT HARRISMITH**

Third Applicant

and

**MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM**

First Respondent

MALUTI-A-PHOFUNG MUNICIPALITY

Second Respondent

ORDER DATED 23 MAY 2014

CORAM: Moseneke DCJ, Cameron J, Froneman J, Khampepe J, Madlanga J, Majiedt AJ, Van der Westhuizen J and Zondo J.

The Constitutional Court has considered this application for leave to appeal. It has concluded that the application should be dismissed as it bears no prospects of success.

Order:

1. The application is dismissed.
-

2. There is no order as to costs.

Stander
MS STANDER
SENIOR REGISTRAR
CONSTITUTIONAL COURT



TO: BOTHA HEFER INC
Attorneys for the Applicants
c/o CHARMAIN GIBBENS ATTORNEYS
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Cnr Jeppe and Von Wielligh Street
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Tel: 011 333 1050
Fax: 011 336 9673
Ref: WJ Botha

AND TO: S CHETTY
Attorney for the First Respondent
c/o THE STATE ATTORNEY
11th Floor, Fedsure Building
49 Charlotte Maxeke Street
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Tel: 051 400 4310 / 300
Fax: 051 400 4341
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AND TO: P HENNING
Attorney for the Second Respondent
c/o McINTYRE & VAN DER POST ATTORNEYS
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Westdene
BLOEMFONTEIN
Tel: 051 505 0200
Fax: 051 505 0213 / 4 / 5



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**SUPREME COURT OF APPEAL OF
SOUTH AFRICA**

APPEAL CASE NO: 674/2013
FSHC CASE NO: 827/2012

In the matter between:

MORENA TSHOLO MOPELI	1 st APPLICANT
THE UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199" DISTRICT HARRISMITH	2 nd APPLICANT
POTENTIAL UNLAWFUL OCCUPIERS OF THE REMAINDER OF THE FARM "BLUEGUMBOSH 199" DISTRICT HARRISMITH	3 rd APPLICANT

and

THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM	1 st RESPONDENT
MALUTI-A-PHOFUNG MUNICIPALITY	2 nd RESPONDENT

**COURT ORDER
PER SHONGWE *et* WILLIS JJA
ORDERED ON 06 NOVEMBER 2013**

Condonation applied for is granted. The applicant for condonation is to pay the costs of the application.

The application for leave to appeal is dismissed with costs.

By the court

~~PSW MYBURGH (MR)~~
ACT REGISTRAR

T.M