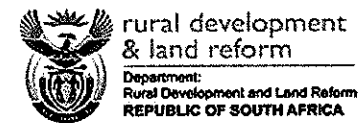


LAND RIGHTS MANAGEMENT FACILITY
MONTHLY STATUS REPORT: SECTION 29(4) RESTITUTION CASES
08 NOVEMBER 2011

120530PC RURAL



RESTITUTION MONTHLY STATUS REPORT - DECEMBER 2011



No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
1	RES50001	Free State	Springfontein Community	Appointed by DRDLA pre June 2011	Cengcani & Associates	Case App - O/S	Restitution	Attorney advised on 25 January 2012 that the departmental staff informed him that they have negotiated a sale agreement for two of the properties in this matter and that they still need the offers of sale to be signed. Thereafter, the department will advise further as to agreement to sell and pending this information the attorneys will then have to amend their pleadings at the Land Claims Court.	Pending
2	RES50002	Free State	Rushoek Farm / Mokoena Family	Appointed by DRDLA pre June 2011	Steven Maluleke attorneys	Case App - O/S	Restitution	Attorney advised on 26.01.2012 that the trial was initially arranged for 23.01.2012, however it could not be held because the parties have not received reports in respect of further historical and archival inspections pertaining to the claim. A pre trial conference is to be held to determine the date for the trial and also to determine the date in which the reports will be made available to the parties as directed by the court order.	Pending
3	RES50003	Free State	Bataung Community	Appointed by DRDLA pre June 2011	Ramushu Mashile Twala Inc.	Case App - O/S	Restitution	Awaiting copies of the settlement agreement and restitution questionnaire. Attorney advised telephonically that matter was settled out of court in April 2011. The terms of the agreement stated that the department would purchase a similar portion of land to the land which was dispossessed by the claimants. Attorneys advised that the department is liaising directly with the claimants and not with the attorneys. Attorneys were advised that the department is in the process of purchasing land.	finalised
4	RES50004	Free State	Schuttersdraai & Doornhoek (Bolofo family)	Appointed by DRDLA pre June 2011	Ngeno & Mteto Inc.	Case App - O/S/ Delpot	Restitution	The matter was settled out of court. However the questionnaire from the Attorney is outstanding. The Attorney has been requested to send the completed questionnaire. File to be closed.	finalised

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5	RES50005	KZN	Gugwini Community Trust/Van Dyk	Appointed by DRDLA pre June 2011	Pravina Govender	Case App received	Restitution	The Attorney advised on 12 December 2011 that the matter was finalised. Restitution questionnaire received. Panellist reported that the agent attended the sale at Colenzo and it was ascertained that the farmer was only selling cows and not farm implements.	finalised
6	RES50006	Mpumalanga	Mahlangu Family	14.12.2011	Madlanga Attorneys	Case App received	Restitution	Attorneys advised on 23 January 2012 that discussions took place with the claimant, Mr. April Mahlangu, regarding the mandate of the attorneys. A request for a meeting with the claimants was made, the proposed meeting to be held on 25 January 2012. The request for a meeting was made for purposes of taking proper instructions with regard to the claim and to advice about pre-trial conferences which were held and also about the issues that relate to service of documents and/or processes. The Pre trial conference was held on 6 December 2011 and the court order was granted on 8 December 2011 as a result of pre trial conference held on 6 December 2011.	Pending
7	RES50007	Limpopo	Mrs. D.R. Rampedi	Appointed by DRDLA pre June 2011	Tar Attorneys	Case App O/S	Restitution	Approval for agreed tariff was given during November 2011. A restitution questionnaire was received. In terms of the questionnaire, the defendant has to plead. The key issue in dispute is the review application in terms of section 36 of the RLRA Act. Further steps include amending the papers to set up the correct cause of action, arranging a pre-trial conference and setting the matter down.	Pending
8	RES50008	Limpopo	Serakalala Community	Appointed by DRDLA pre June 2011	Langa Attorneys	Case App - O/S	Restitution	Department advised that request for approval of a researcher will not be approved as the attorneys are required to utilise the available resources by the department for research purposes. Attorneys advised that they consulted with the claimant community to obtain the basic facts. Attorneys advised further that they were dissatisfied with the research report by the RLCC and wish to supplement this report with the historian report. Attorneys will be providing another motivation for the use of a historian. Notice of appointment have been filed.	Pending

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No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
9	RES50009	Limpopo	Moddervlei Community	Appointed by DRDLA pre June 2011	Maritz smith van Eeden Inc	Case App - O/S	Restitution	Restitution questionnaire together with all supporting documentation received from attorney. Restitution questionnaire indicate that applicants are due to file replying affidavits to the Tenth respondents supplementary answering affidavits, inspection in loco to be conducted, meetings to be conducted with the members of the community forum and their constituents, research, heads of argument and preparation. Attorney further advised that it is countenanced that the factual disputes will render the matter liable for referral to oral evidence.	Pending
10	RES50010	Limpopo	Moeketsi GA Chatleka & Mmaehangwa Kgoale Communities	Appointed by DRDLA pre June 2011	Louise du Plessis	Case App - O/S	Restitution	Restitution questionnaire received. Questionnaire indicates that ito "Gachatleka: some of the farms have been restored to the claimants. Mmaegangwe: Referred to the Land Claims Court and was postponed for an independent researcher to finalise his investigations and report. The investigation is partly completed. There was a dispute on the funding of this case. That caused a delay and this has been dealt with...The land owners dispute the fact that the land was ever occupied by the claimants who have lost their rights a very long time ago. The report of the archaeologist is therefore important. A pre-trial to be scheduled between all parties. Then preparation for trial. The possibility of settling with land owners is bad. Those land owners who wanted to sell, did sell their land.	Pending
11	RES50011	Limpopo	Majeje Tribal Authority	Appointed by DRDLA pre June 2011	Joubert & May attorneys	Case App - O/S	Restitution	Attorney, Mr Rech informed CTH on 25 January 2012 that approval for funding was denied in this matter.	Pending
12	RES50012	KZN	Mhlangansweni / Mala Mala	Appointed by DRDLA pre June 2011	Gilfillan Du Plessis Inc	Case App - O/S	Restitution	Restitution questionnaire received. Questionnaire indicate that the matter is currently being heard in court and the key issue is whether restoration is feasible. Trial was set down for November to 4 December 2011. Attorney advised that matter is extremely complicated.	Pending

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No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
13	RES50013	KZN	Moloto Communal Association	Appointed by DRDLA pre June 2011	TP Moloto & Company	Case App - O/S	Restitution	Matter was referred to mediation. There was no approval in terms of section 29(4).	Pending
14	RES50014	KZN	Jean Minnaar Trust & 21 Others	Appointed by DRDLA pre June 2011	Giffillan Du Plessis Inc	Case App-O/S	Restitution	<p>Restitution questionnaire received. Questionnaire indicate that The land owners of the claimed land sought to set aside the decision by the RLCC: Mpumalanga to accept land claims lodged by individual claimants as a claim by the Sindzilwane Community and consolidation of the two properties, and to give notice of such claims in the Government Gazette.</p> <p>The land owners wants the failure by the RLCC: Mpumalanga to consider and act upon the representations made by them under the Restitution Act to be reviewed. They also want the failure by the RLCC: Mpumalanga to withdraw or amend the publication of the claim of their properties to be reviewed. The land owners further seeks for an order that the RLCC: Mpumalanga be directed to publish a notice in the Government Gazette amending the previous notice by removing their properties from that publication, alternatively removing any reference to the Sindzilwane Community and the farm Evert 5 JU from that publication. Review of the gazette, referral must still take place when they receive the report from the archaeologist.</p> <p>Review application to be finalised (2012) Referral to Land Claims Court (2012)"</p>	Pending

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15	RES50015	GP	Welverdiend Community	Appointed by DRDLA pre June 2011	Tau Phalane Inc Attorneys	Case App - O/S	Restitution	Progress report sent dated 30.11.2011. Restitution questionnaire also received. Report indicate that on 4.11.2011 an instruction was received to oppose an interdict application under case no: LCC 131/2009. A notice of appointment was filed immediately. CTH only received departmental memorandum in this matter. On 15.11.2011 consultation with the Welverdiend community was arranged but instead consultation took place with Welverdiend local authority. On 22 & 23 Nov 2011, LCC was attended to uplift files relating to this matter, where it was found that interdict application was granted. Attorneys proceeded with the application for referral, notice of appearance and notice to deliver was filed. On 28.11.2011 consultation took place with the RLCC legal administrator requesting further information on the claimed land and make enquiries regarding ownership/purchase of land. Attorney advised that there are good prospects of success in this matter. In terms of restitution questionnaire the next step is an application for a trial date.	Pending
16	RES50016	GP	Sepuputle Buffelspoort Community	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App - O/S	Restitution	Attorney advised that they are unable to make contact with the senior advocate. The state attorney failed to comply with the court order made in 2009. The land owners gave notice to refer the matter back to court. The attorneys have complied with the court order. The failure of the state attorney to comply with the court order was brought to the attention of the department official, Mr Baloyi. The matter cannot proceed until the state attorney complies.	Pending
17	RES50017	GP	Maggie Kgatswense Family	Appointed by DRDLA pre June 2011	Makhubela Attorneys	Case App-O/S	Restitution	Further request sent to attorney for completion of Restitution questionnaire outstanding.	Pending

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18	RES50018	GP	Molothanyi Family	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App - O/S	Restitution	Attorney advised on 05.12.2011 that they are awaiting judgment to be delivered and that the presiding judge has been hospitalised. Judgment is expected on the application for a final interdict which will determine whether referral of this matter will proceed to trial or not. Several consultations took place with claimants and several consultations with their witnesses in preparation of their response to the referral report. Further steps to be taken include: obtaining relevant evidence. Referral report required to be served on land owners. Regional land claims commissioner or state attorney office to effect service. Land owners opposing the claim and RLCC failed to purchase the farms at the time when land owners were willing to sell. Land owners are insisting that matter should be litigated upon. Attorney have indicated that non-service of the referral report is a major obstacle and that a researcher/historian is required to conduct research on this matter.	Pending
19	RES50019	MP	Ndzimande Community	Appointed by DRDLA pre June 2011	Gilfillan Du Plessis Inc	Case App - O/S	Restitution	Restitution questionnaire received. Ito questionnaire the key issues in dispute relate to equitable redress, it should be noted that by agreement the matter was settled in October 2010. Correspondence with RLCC Mpumalanga is scheduled for 11.12.2011 and referral to LCC is scheduled for 1st quarter 2012.	Pending
20	RES50020	MP	Kwamunyamane Claimant Group	Appointed by DRDLA pre June 2011	Shabangu attorneys	Case App-O/S	Restitution	Further request sent to attorney requesting outstanding Restitution questionnaire outstanding.	Pending
21	RES50021	MP	Ngwenya Family	Appointed by DRDLA pre June 2011	Mnisi Attorneys	Case App-O/S	Restitution	LOI resent to attorney and awaiting restitution questionnaire. Further request sent to attorney.	Pending

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22	RES50022	MP	12 Matters - Bakwena Ba Mohlabetsi and 11 others	Appointed by DRDLA pre June 2011	Matyeka Swartz	Case App - O/S	Restitution	LOI sent in the matter of Bakwena Ba Mohlabetsi Claimant, awaiting restitution questionnaire. Contacted attorney and was advised that Ms Matyeka is no longer in the employ of the Firm Uys (No Suggestions) Swartz and that the branch she subsequently worked at has been closed down.	Pending
23	RES50023	MP	Mfungelwa D Zigalala and Four Others	Appointed by DRDLA pre June 2011	SJ Thobela	Case App - O/S	Restitution	Attorney advised that litigation is pending. The questionnaire has been received and the current status shows that the matter requires a response to the referral. The matter has not been set down yet. The monthly status report for September 2011, indicates that consultations with clients had taken place on 27 July 2011 and in October 2011. Another consultation will be undertaken to present a memorandum and make amendments if necessary. The follow up consultation has been scheduled for 1 October 2011.	Pending
24	RES50024	MP	Phakathi Family	Appointed by DRDLA pre June 2011	Thobela attorneys	Case App-O/S	restitution	Attorney advised that litigation is pending. Questionnaire received from attorney on 27 September 2011. Ito questionnaire the attorneys are required to file a response to the referral, the matter has not been set down. Attorneys still have to file their response. Estimated cost R360 000. DRDLR to follow up. Bill of cost has been assessed.	Pending
25	RES50025	MP	Sothintabantu Claimant	Appointed by DRDLA pre June 2011	Mokoena Mculu Attorneys	Case App-O/S	Restitution	Follow up made with the attorney.	Pending
26	RES50026	GP	Wonderkop Community	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App - O/S	Restitution	Attorney advised on 17.01.2012 that they were awaiting judgment which was reserved after arguments in September 2011 by Judge Bam who passed away during December 2011 before delivering judgment. As a result the matter will have to be re-argued in front of another judge. Furthermore it is reported that the Minister will make further appointments for judges at the beginning of February 2012 and the applicant have already applied for the matter to be allocated to another judge.	Pending

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No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
27	RES50027	GP	Bahurutshe Boo Moiloa Community	Appointed by DRDLA pre June 2016	Mr Mothle	Case App-O/S	Restitution	Monthly report received dated 4.11.2011. Attorney advised that there is an intention to complete restitution questionnaire. Current status of this matter -notice of appearance has been lodged, which was served and filed and attorneys are in the process of drafting a statement of claim. During investigation it was shown that client cannot prove evidence to the effect that dispossession of the community happened on or before 19 June 1913. An opinion by advocate Motepe concludes that clients claim might be found to be frivolous and vexatious and advised that the claim should not be proceeded with, and that client should opt for compensation. Copy of opinion provided to CTH. To date attorneys are still waiting on instructions from client, attorneys have undertaken to revert back to CTH iro instructions received.	Pending
28	RES50028	GP	Baphalane Ba Ramokoka Community	Appointed by DRDLA pre June 2011	Matloga Attorneys	Case App - O/S	Restitution	Monthly report received and attorney advised that the trial ran for 12,13 &14 September 2011. Matter was set down for trial for the week 12-16 September 2011. Consultations with clients was scheduled for 11.11.2011, attorney requested to provide a report on this. Pleadings have been closed. If claimants are proceeding the matter is set down for 20-24 February 2012 and 5-9 March 2012 (2 full weeks) Restitution questionnaire received. This was postponed to February 2012, to give claimants the opportunity to consider whether to release the land owners from the case on the basis of concessions made by claimants expert archaeologists. The Attorney advised that the matter will require at least 2 to 3 months before completion. Both parties have indicated that they are willing to proceed to the constitutional court if the LCC judgment is unfavourable. Attempts at mediation have been unsuccessful. This is a complex matter involving 3 farms. The Attorney has indicated that the matter will require the services of senior counsel and that defendants have been using senior counsel from the start of the matter.	Pending

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29	RES50029	GP	Mekgaren - Various	Appointed by DRDLA pre June 2011	Sydwell Mketsu	Case App-O/S	Restitution	<p>Attorneys advised that they are preparing client's expert reports and filing and preparation for the hearing and court Attendance. On the 10th October the attorneys held a consultation with clients in order to establish people who were residing at the claimed properties before eviction took place. Properties visited are Hartebeeshoek and Welgewund. Attorney to advise whether pre-trial took place on 2 November 2011. The pre trial did not take place because the Judge is currently unwell. Trust that you will find this to be in order and please do contact me for any further queries.</p> <p>The October monthly report was submitted on 4 October 2011. On 17th October 2011, the Attorney and archaeologists visited the farm with clients for an inspection. The Attorney further consulted with clients on 19th October 2011 for purposes of replying to request for further particulars. The report indicates that the Attorney served referral reports on various land owners not represented by one Mr Grobbelaar.</p>	Pending
30	RES50030	GP	Moosa Ahmed' Family	Appointed by DRDLA pre June 2011	Majola Mthembu Attorneys	Case App-O/S	Restitution	Correspondence sent to attorney, attorney will provide a report in this matter.	Pending
31	RES50031		Amandabele Akwa Litho Community	Appointed by DRDLA pre June 2020		Case App-O/S	Restitution	Department to advise on the appointed attorney.	Pending
32	RES50032	GP	Bakwena Ba Malopyane (Uitkyk)	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App - O/S	Restitution	Attorney reported that trial was originally set down for 15-18 November 2011 in front of Judge Bam. The matter was postponed on 14.11.2011. Judge passed away. Attorneys have applied for another judge and waiting on the registrar to respond.	Pending

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33	RES50033	Eastern Cape	Vulamasango Singene Campaign	Appointed by DRDLA pre June 2011	Wesley Pretorius	Case App - O/S	Restitution	Department to advise on the appointed attorney.	Pending
34	RES50034	Limpopo	Penaarsrivier Community	Appointed by DRDLA pre June 2011	Censani & Associates	Case App - O/S	Restitution	Correspondence sent to attorney, attorney will forward a report in this matter.	Pending
35	RES50035	Limpopo	Makhuva Community	Appointed by DRDLA pre June 2011	Louise du plessis	Case App - O/S	Restitution	Correspondence sent to attorney, attorney will forward a report in this matter.	Pending
36	RES50036	Limpopo	Valoyi Traditional Authority	Appointed by DRDLA pre June 2011	Mr Matloga	Case App - O/S	Restitution	Follow up made with the attorney.	Pending
37	RES50037	Eastern Cape	Mpekweni Community Claim	Appointed by DRDLA pre June 2011	Makhanya Attorneys	Case App - O/S	Restitution	Follow up made with the attorney.	Pending

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38	RES50038	Eastern Cape	Zimbane Community	Appointed by DRDLA pre June 2011	NG Nongogo	Case App - O/S	Restitution	December 2011 report received, report indicate that the matter was supposed to be heard in court on the 28th of October 2011 however the matter was postponed and rule nisi extended accordingly due to the Judge being ill. The respondents have expected a development in land under Claim without compliance with the Restitution of Land Rights Act 22 of 1994 i.e. section 11(7). The matter is at court, and it is ancillary to the principal land claim by Zimbane Community and Others of Erf 912 Mthatha. The actual challenge is that whilst we are pursuing this application the community is currently divided. November 2011 monthly report received, the report indicates that the set down date for 28.10.2011 was postponed and a rule nisi extended due to the Judge falling ill. The matter is currently at court and is ancillary to the principal land claim by Zimbane Community. The cross appeal for the Zimbane Community has been noted. the matter is now at the Supreme Court of Appeal.	Pending
39	RES50039	Mpumalanga	Uhmlabane Community	Appointed by DRDLA pre June 2011	Louise du Plessis		Restitution	Attorney reported on 20.02.2012 that an order was granted on 18.02.2011 that the claimants no longer insist on physical restoration of the land and that the RLCC: Mpumalanga is willing to accept the validity of the claim and to negotiate suitable equitable relief. The matter was postponed sine die and any party may enrol the matter for hearing in the event that a settlement of any outstanding issue is not achieved. The land was valued, a settlement amount was proposed by the RLCC which amount was accepted. Outstanding is the section 42(d) agreement which will lead to payment of the beneficiaries. At present no such agreement is forthcoming and the matter may have to be referred back to court. Attorney sent request for additional budget in this matter (which excluded funds for referring the matter back to court). Attorney requested to send additional information.	Pending

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40	RES50040	Gauteng	Bakono Ba Marangrang Community	Appointed by DRDLA pre June 2029	Louise du Plessis	Case App-O/S	Restitution	Questionnaire received. Questionnaire indicate that "The land owners disputed the claim on the following grounds: • There is no merit in the claim, they are unaware of any persons who were ever dispossessed of rights to the land under circumstances that could have given rise to a legitimate restitution claim in terms of the Restitution Act, that same are not valid; That the restoration of the land to the claimants would not be in the interest of the public. Rule Nisi against the State to gazette all claims on farm. Research was done with independent researchers. Report was filed at Court. At the last pre-trial it was decided that the next pre-trial will take place in April 2012 in order to give the claimants and Commission the opportunity to meet and to discuss the research report done by Mr. Pelser. Next pre-trial April 2012. Meetings between claimants and commission January 2012."	Pending
41	RES50041	Mpumalanga	Ntabende Community	Appointed by DRDLA pre June 2011	Ngeno attorneys	Case App-O/S	Restitution	Clarity required on whether matter was settled. DRDLR to follow up.	Pending
42	RES50042	Mpumalanga	Mhlanganisweni Community	Appointed by DRDLA pre June 2011	Louise Du Plessis	Case App - O/S	Restitution	LOI sent. Letter from attorney dated 17 October 2011 indicates that the matter has been set down for hearing between 31 October 2011 and 5 December for a period of 4 weeks. Provision is being made for 2 consultations with clients. A request has been made for the appointment of junior counsel as the claimants are facing at least 3 legal teams consisting of junior and senior counsel. Restitution questionnaire have been received, dated 3 September 2011. In terms of questionnaire the trial will continue from 1 November 2011 until 4 December 2011. key issue in dispute is whether restoration is feasible.	Pending

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43	RES50043	Mpumalanga	Hhoyi Community and Others V Regional	Appointed by DRDLA pre June 2011	Maseko Tilane Inc	Case App - O/S	Restitution	Clarity needed on whether the matter was settled. DRDLR to follow up.	Pending
44	RES50044	Mpumalanga	Sikhosana Family	Appointed by DRDLA pre June 2011	Mr Kunene	Case App - O/S	Restitution	Correspondence to be sent to the attorney.	Pending
45	RES50045	Free State	Mhlaba Trust	Appointed by DRDLA pre June 2011	Maseko Tilane Inc	Case App - O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. DRDLR to follow up with attorney.	Pending
46	RES50046	KZN	Hlonyane Land Claim Committee	Appointed by DRDLA pre June 2011	Magigaba Attorneys	Case App - O/S	Restitution	Attorney advised that an arbitrator was appointed during 2011. The attorneys have not been advised as to the outcome of the arbitration.	Pending
47	RES50047	KZN	Bersig Community	Appointed by DRDLA pre June 2011	Njabunto Maseko	Case App - O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. No revised memorandum received.	Pending
48	RES50048	Gauteng	Matiseni Community	Appointed by DRDLA pre June 2011	Shabalala	Case App - O/S	restitution	No letter from DRDLR to lawyer confirming CTH mandate. No revised memorandum received.	Pending

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49	RES50049	KZN	Masibuyelemakhaya Community	Appointed by DRDLA pre June 2011	Sha Singh	Case App - O/S	Restitution	Mandate of attorney was terminated as referred to below. There are other communities involve Embo Community and Nkumbuleni. Mr Maake at DRDLR to be contacted in respect of the current legal representatives. A questionnaire was received from the Attorneys, indicating that a consultation with community had taken place and a list of the parties were compiled. The monthly report was received on 23 September 2011. Further steps indicate that a consultation took place with departmental officials and that the restitution office consulted with the chairman then community members. Further information required include: title deeds of the properties, a complete list of all claimants, appointing an expert to compile history of the claim, consultations with departmental officials, inspection of court file and obtaining copies of all documents. Challenges include no proper details of claimants and no response from the chairman. DRDLR official requested that the mandate of the Attorney be terminated as there is another attorney on this matter. This will be discussed with DRDLR.	Pending
50	RES50050	KZN	Nkumbuleni Community	Appointed by DRDLA pre June 2011	Zuma Attorneys	Case App-O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. DRDLR to follow up with attorney. No revised memorandum received.	Pending
51	RES50051	KZN	Embo Community	Appointed by DRDLA pre June 2011	M Magigaba Inc	Case App - O/S	Restitution	Attorney advised that they are waiting for the state attorney to effect substituted service. A pre-trial has been set down for 10 February 2012.	Pending
52	RES50052	KZN	Gcumisa Community	Appointed by DRDLA pre June 2011	Sipho L Mkhize Attorneys	Case App - O/S	Restitution	Letter dated 29 June 2011, sent from department to Attorney iro CTH mandate. Departmental memorandum dated 13 June 2008 iro payment to Attorney. Departmental memorandum signed on 17 July 2008. Follow up and new letter of instruction sent to panellist.	Pending

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53	RES50053	KZN	Koningsburg Community	Appointed by DRDLA pre June 2011	Modensela	Case App - O/S	Restitution	Outstanding letter from department advising of legal representation. Follow up to be done with Mr Maake of DRDLR. LOI sent and awaiting restitution questionnaire.	Pending
54	RES50054	KZN	Kusile Land Claim	Appointed by DRDLA pre June 2011	Ntshalintshali Attorneys	Case App - O/S	Restitution	Attorney advised on 5.12.2011 that the matter was not heard on 28, 29 and 30 November 2011, due to the state attorney not being able to file their papers again and also that the judge is not available until next year. Attorneys now waiting for new dates to be allocated and then will proceed with the application, they have issued a notice of bar against the state attorney and still have not filed any papers. They will therefore proceed with the matter on an unopposed basis as soon as the dates are obtained from the judge. Panelist advised that a full report will be submitted soon. September Monthly report received from panelist. In terms of the report, a consultation with clients took place on 6 September 2011. A new application has been filed. More than 4 inspections have taken place and additional inspections may be required, if the court finds that it is necessary. The Attorney advised that the application may be heard on , but this will depend on confirmation of counsel on the other side. The Attorney further advised that the court may have to make a decision as to whether this claim should be categorised as a labour tenants claim. More than 10 consultations will be further required. The Commission is required to respond to the application. the restitution questionnaire has been received. Ito the questionnaire, a pre-trial was set down for 6 September 2011. An overall report was received dated 12 September 2011.	Pending
55	RES50055	KZN	Werverdiend Community	Appointed by DRDLA pre June 2011	Maseko Mbatha	Case App-O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. No revised memorandum received.	Pending
56	RES50056	MP	Kwasidu Community	Appointed by DRDLA pre June 2011	Majola Mthembu Attorneys	Case App-O/S	Restitution	Request sent to attorney to advise on the process of post-settlement, valuation and transfer of the properties into the name of the community whether conveyancing instructions have been received. Attorney further requested to send completed Questionnaire.	Pending

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No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
57	RES50057	Gauteng	Shelembe Community	Appointed by DRDLA pre June 2011	Gilfillan Du Plessis Inc	Case App-O/S	Restitution	Attorneys has confirmed being attorney on record. Attorneys have undertaken to complete restitution questionnaire.	Pending
58	RES50058	KZN	Thembalihle Communal Property Association	Appointed by DRDLA pre June 2011	MH Mathonsi & Associates	Case App - O/S	Restitution	Attorney advised that consultation with counsel will be set up in order to obtain an opinion on the way forward. Attorney advised that opinion is required in light of a previous alleged agreement whereby certain portions of the land was given back and a CPA	Pending
59	RES50059	KZN	Emhlangeni Community	Appointed by DRDLA pre June 2011	Sipho L Mkhize	Case App - O/S	restitution	No letter from DRDLR to lawyer confirming CTH mandate. DRDLR to follow up with attorney. No revised memorandum received.	Pending
60	RES50060	Gauteng	Mamahule Community	Appointed by DRDLA pre June 2011	Louise du plessis	Case App - O/S	Restitution	Monthly report and restitution questionnaire received from attorney. Attorney reported that there are ongoing interactions with the Commission and attendances at pre-trials. Consultation has been set down for the week 6 – 10 Feb 12. Drafting and issuing application against the Commission will take place. Will only know after Commission filed and Gazetted when we will be able to plea.	Pending
61	RES50061	Eastern Cape	Salem Community	Appointed by DRDLA pre June 2011	Malusi & Co Attorneys	Case App - O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. Attorney to be contacted.	Pending
62	RES50062	Limpopo	Bela-Bela Community	Appointed by DRDLA pre June 2011	Van Den Bogert Göldner Inc	Case App - O/S	Restitution	Attorney to be contacted. No revised memorandum received.	Pending
63	RES50063	Limpopo	Dithakone Community	Appointed by DRDLA pre June 2011	Mathabatha Makgobatto u	Case App - O/S	Restitution	Attorney contacted CTH on 07.12.2011 advising that they are currently awaiting notice of opposition from the defendants, affidavits required from the defendants. LOI sent.	Pending

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No	File ref	Province	Case name	Date instructed	Lawyer	DRDLR official	Case description	Case progress	Outcome
64	RES50064	Eastern Cape	Kwalindile Land Claim	Appointed by DRDLA pre June 2011	M Magigaba Inc	Case App - O/S	Restitution	The Attorney advised that the matter will be argued in the SCA, and that they are awaiting a trial date in the Supreme Court. The Attorney was requested to forward a copy of the completed restitution questionnaire.	Pending
65	RES50065	Limpopo	Moletele Community	Appointed by DRDLA pre June 2011	Ngoepe Attorneys	Case App - O/S	Restitution	No letter from DRDLR to lawyer confirming CTH mandate. Attorney to be contacted.	Pending
66	RES50066	Gauteng	Baphalaborwa BA Selwane Community	Appointed by DRDLA pre June 2011	Steytler Nel & Partners	Case App - O/S	Restitution	Another letter sent to CTH dated 10.11.2011 advising of unpaid account from the department by Steytler Nel and Partners, Invoice dated 10 August 2010, has to be processed and paid. The Attorney has agreed to a reduced tariff rate as per LRMF policy. The report dated 15 September 2011, indicates that the attorney was provided with a mandate to comply with land claims court order. A Letter of demand was served on the Minister of Agriculture and Land Affairs on 24 May 2011. The Attorney advised that the commissions failure to settle outstanding accounts has prevented the court case from being finalised. Letter iro CTH mandate sent to the attorney.	Pending
67	RES50067	Limpopo	Batlokwa Ba Kgosi Matlapeng Community	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App - O/S	Restitution	Attorney advised that currently there is a research report which was compiled by the department. Attorney advised further that this report is insufficient. Attorney will be sending a further motivation for a historian. Attorney advised further that 2 claim forms were lodged, one group of claimants broke away. The commission filed a referral report for this matter. Currently there is no section 29(4) approval for this group and no research which has been conducted, no research has been undertaken since 2009.	Pending

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78	RES50078	MP	NDZUNDZA FENE TRIBAL	Appointed by DRDLA pre June 2011	Matsane Singwane	Case App - O/S	Restitution	Mr Sakhiwo Mbizi informed CTH on 25.01.2011 that a new section 29(4) approval was given as the department was unable to contact the previous appointed attorneys Matsane Singwane. The new section 29(4) approval will be sent to CTH for an appointment.	Pending
79	RES50079	MP	MKHATSHWA FAMILY	Appointed by DRDLA pre June 2011	Silinda Mokoena	Case App - O/S	Restitution	Outstanding letter to attorney from DRDLR on CTH mandate. DRDLR to follow up. Cross reference with RES50022	Pending
80	RES50080	MP	Ngwenya Family	Appointed by DRDLA pre June 2011	Mnisi Attorneys	Case App - O/S	Restitution	Outstanding letter to attorney from DRDLR on CTH mandate. DRDLR to follow up. Cross reference with RES50022	pending
81	RES 50081	Eastern Cape	Emfuleni Resorts	Appointed by DRDLA pre June 2011	Makhanya Attorneys	Case App-O/S	Restitution	Attorney will be sending a report in this matter.	pending
82	RES 50082	Mpumalanga	Nhlobane	Appointed by DRDLA pre June 2011	Thobela attorneys	Case App-O/S	Restitution	Department advised on 23.11.2011 that there was no section 29(4) approval for this matter. The matter was referred back to the department.	pending
83	RES 50083	GP	Barolong Bo Mariba	Appointed by DRDLA pre June 2011	Lingefelder & Baloyi	Case App-O/S	Restitution	Attorney advised that notice to participate was filed in December 2011. There are 200 000 hectares involved and 150 individual farms. Attorney will forward a copy of the budget estimate on 30.02.2012.	pending
84	RES 50084	KZN	Omuja/Ntshangase	01.12.2011	Lucia Glass	Case App-O/S	Restitution	Restitution questionnaire received. Attorney advised that claimants are to file their statement of case by 17.02.2012. Estimated budget was sent, subsequent meeting was held with attorney and the department in respect of budget approvals. Attorney advised that meetings will be set up with the claimants	pending

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85	RES 50085	Mpumalanga	Masombuka Family	22.12.2011	Phungula Attorneys	Case Application received	Restitution	CTH to make appointment, referral received in late November 2011.	pending
86	RES 50086	Mpumalanga	Phooka Family	22.12.2011	Brian Kgariya	Case Application received	Restitution	Letter of instruction sent, attorney will attend to this matter, budget estimate to be sent to CTH.	pending
87	RES 50087	Mpumalanga	Bafloka Baa Ramaaswana	29.11.2011	Reginald Thulo	Case Application received	Restitution	Letter of instruction sent, attorney will attend to this matter, budget estimate to be sent to CTH.	pending
88	RES 50088	free state	Ramahutse	26.01.2012	J Mthembu attorneys	Case Application received	Restitution	Letter of instruction resent to attorney, attorney to forward estimated budget, budget estimate to be sent to CTH.	pending
89	RES 50089	eastern cape	Prudhoe Community	04.01.2012	Legal Resources Centre	Case Application received	Restitution	CTH to send letter of instruction to appointed attorneys, referral received in late November 2011. Attorneys appointed by department to assist with rescission of judgment in Emfuleni Resorts.	pending
90	RES 50090	Mpumalanga	Mfaniseni Josia Ngcobo OBOAmanzimnyama	Appointed by DRDLA	Mr Rutch	Case Application received	Restitution	Correspondence sent from attorney dated 17.11.2011 to CTH advising that LCC approved funding for this matter. CTH contacted Ms Mathetwa on 22.11.2011 requesting section 29(4) approval and was advised that it would be sent. Section 29(4) approval not yet received, follow up will be done with Ms Mathetwa. Awaiting section 29(4) approval from Ms Mathetwa.	pending
91	RES 50091	mpumalanga	Doornkop CPA	N/A	N/A	Case Application received	Restitution	This matter was not suppose to be sent to CTH as advised.	pending
92	RES 50092	mpumalanga	Mtshweni Family claim	22.12.2011	Radebe Attorneys	Case Application received	Restitution	Letter of instruction sent, attorney will attend to this matter. Budget estimate to be sent to CTH.	pending
93	RES 50093	Mpumalanga	Impokoma	25.01.2012	Mokonyane Attorneys	Case Application outstanding	Restitution	Letter of instruction sent, attorney will attend to this matter. Budget estimate to be sent to CTH.	pending
94	RES 50094	mpumalanga	Charl Cilliers Community	25.01.2012	Ngeno Attorneys	Case Application outstanding	Restitution	Letter of instruction sent, attorney will attend to this matter. Budget estimate to be sent to CTH.	pending
95	RES 50095	Mpumalanga	Berlyn Community	24.01.2012	Mashabela Attorneys	Case Application outstanding	Restitution	Letter of instruction sent, attorney will attend to this matter. Budget estimate to be sent to CTH.	pending