

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO: 6132/2021

Before her Ladyship the Honourable Ms Acting Justice De Wet

Cape Town: Tuesday, 27 July 2021

In the matter between

PASSENGER RAIL AGENCY OF SOUTH AFRICA ("PRASA") Applicant

and

**THOSE ADULT MALES AND FEMALES ARE TO THE
APPLICANT UNKNOWN AND WHO UNLAWFULLY RESIDE
AT PORTION ERF 114412 CAPE TOWN, SITUATE BETWEEN
RAIL RESERVE AND IKHWEZI HOSTEL, CAPE TOWN,
WESTERN CAPE**

First respondent

CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY Second respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN

Private Bag X9020, Cape Town 8000

DRAFT ORDER

2021-07-30

WCD-005

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN

By agreement between the parties,

IT IS ORDERED THAT:

MOETI KANYANE ATTORNEYS

Per: Mr M Kanyane

Tel: 012 003 6471



E-mail: moeti@kanyane.co.za

Box 680

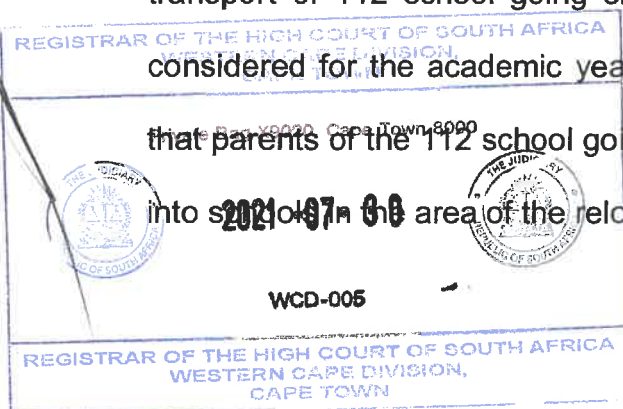
PART B – EVICTION ORDER

1. That the unlawful occupiers cited as the first respondents (*"the unlawful occupiers"*) and all those who hold title under them are evicted from portion of Erf 114412, Cape Town, Western Cape situate between the rail reserve and Ikhwezi Hostel in Langa (*"the property"*) in terms of section 4(8) of the PIE Act and/or the common law within **four months** of the date upon which the eviction order is granted, being on or about 26 November 2021 .
2. That the unlawful occupiers, once evicted, are interdicted and restrained from being upon the property for any purpose, including unlawfully occupying it.
3. The unlawful occupiers will be relocated to the following properties (*"the relocation property"*):
 - 3.1 The remaining extent of the Farm Erf No. 644, Stellenbosch Road Registration Division, Eersterivier, Western Cape; and
 - 3.2 Portion 1 of Farm Erf No. 644, Stellenbosch Road Registration Division, Eersterivier, Western Cape.
4. Such relocation will take place by the applicant together with the assistance of the Sheriff and/or any person appointed by him including members of the SAPS and/or third parties and such relocation will commence on 26 November 2021 and will continue until all the unlawful occupiers have been relocated.

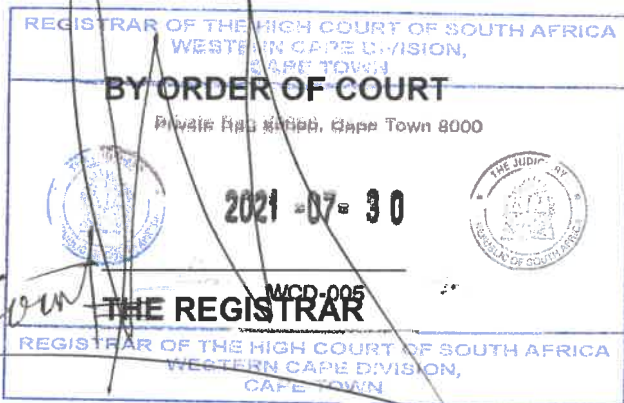
5. The respondents shall be afforded a site visit to the property where such relocation will take place, no later than 4 weeks before the date of relocation.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	
	
WCD-005	
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6. In the event that the current unlawful occupiers elect not to be relocated to the relocation property, they will, in any event, vacate the property on 26 November 2021, failing which: the applicant and the Sheriff and/or any person appointed by him is/are authorised to remove any unlawful occupiers who are still on the property after 26 November 2021 together with their possessions found in, at or near the structures unlawfully occupied at the property, including demolishing any structures that are still standing and all property included in the demolished structure shall be kept in safe custody by the second respondent until released to the lawful owner thereof.
7. The structures to be erected at the relocation property will be in terms of the Standard Operating Procedure of the Housing Development Agency (*"the HDA"*).
8. The relocation property will be provided with the basic services which are in accordance with the requirements as set out in the Constitution of the RSA, 1996 and the Prevention of Illegal Evictions and Unlawful Occupation of Land Act 19 of 1998 (*"the PIE Act"*).
9. The relocation will take place after the closure of the 2021 school year and the unlawful occupiers will, in the interim, enrol their school going children in schools within the jurisdiction of the relocated property.
10. Notwithstanding what appears in paragraph 9 above, arrangements for the transport of 112 school going children of the unlawful occupiers has been considered for the academic year February to December 2022, in the event that parents of the 112 school going children are unable to enrol their children into 2021-2022 area of the relocated property.



11. The proviso in paragraph 10 above is **only** applicable to the unlawful occupiers who elect to be relocated to the relocation property.
12. That the Sheriff and/or any person appointed by him including members of the SAPS and/or third parties are authorised to demolish and remove any structure unlawfully occupied at the property **after** the current occupiers have been relocated.
13. There shall be no order as to costs



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