

THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, GRAHAMSTOWN

CASE NO: 1806/2021

BEFORE THE HONOURABLE MADAM JUSTICE ROBERSON

On the 18TH day of June 2021

In the *ex parte* application

Re: the matter between

MAKANA LOCAL MUNICIPALITY

FIRST APPLICANT

THE COUNCIL OF MAKANA LOCAL MUNICIPALITY

SECOND APPLICANT

-and-

THE UNEMPLOYED PEOPLES MOVEMENT

FIRST RESPONDENT

AYANDA KOTA

SECOND RESPONDENT

MXUBE NGCOBO

THIRD RESPONDENT

**THOSE PERSONS IN MAKHANDA WHO
THE APPLICANT BELIEVES ARE
ATTEMPTING OR INTENDING, THROUGH
VIOLENT PROTESTS, TO FURTHER INTIMIDATE,
THREATEN, HARASS, ASSUALT, OR IN ANYWAY
INTERFERE WITH THE APPLICANT'S EMPLOYEES,
COUNCILLORS & BUSINESSES, SCHOLARS AND
MEMBERS OF THE PUBLIC, & ANYONE WHO WILLINGLY**

**ASSOCIATES WITH THE WORDS OR ACTIONS OF
THE FIRST TO THIRD RESPONDENTS
THE MINISTER OF POLICE
THE STATION COMANDER MAKHANDA
POLICE STATION, MAKHANDA**

**FOURTH RESPONDENT
FIFTH RESPONDENT**

SIXTH RESPONDENT

Having heard Adv. Teko, Counsel for the Applicants and having read the Notice of Motion and other documents filed of record

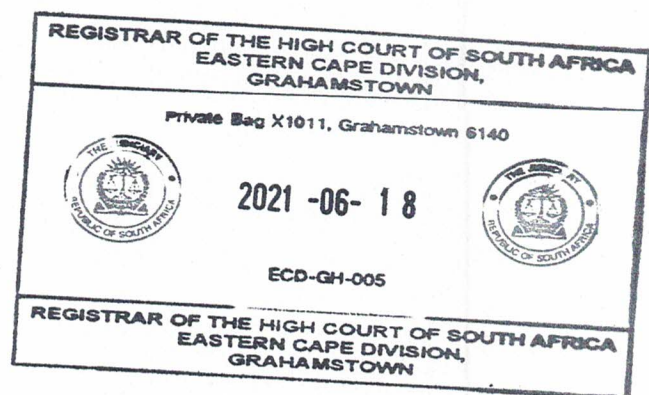
IT IS ORDERED THAT:

1. A rule *nisi* be issued calling upon the First to Fourth Respondents to appear and show cause, if any, to the above Honourable Court on **TUESDAY the 24th AUGUST 2021** at 09h30 or so soon thereafter as the matter may be heard, why a final order should not be granted:



2. Interdicting and restraining the First to Fourth Respondents (the respondents”) and any other unauthorised persons from:
 - 2.1.1 gathering in groups in breach of level 3 Lockdown regulations and taking part in an unlawful protest action;

 - 2.1.2 preventing the free movement and/or access to Makhanda by members of the general public, particularly school going children, and workers who are commuting to and from work,

 - 2.1.3 preventing the opening of and lawful operation of any business within Makhanda



- 2.1.4 causing residents of Makhanda, to burn tyres and/or any flammable rubble in and around the access roads to and from Makhanda, the streets in the city centres and generally anywhere within the vicinity of Makhanda; and/or
- 2.1.5 Intimidating, threatening, harassing or assaulting or in any way interfering with the applicant's Employees, Officials, Councillors and/or any person acting on their behalf or involved with law enforcement operations in and around Makhanda.
- 2.1.6 Barricading access roads to the N2, surrounding locations and suburbs in and around Makhanda with bricks, wood and/or rubble;
- 2.1.7 Committing acts of arson, vandalising or damaging property of the applicant;
- 2.1.8 Inciting persons to enter or be upon the property of the applicant;
- 2.2. Directing that, in the event of a failure by the Respondents, to comply with the above interdict, that the Sheriff of this Court, assisted insofar as may be required:
- 2.2.1. by the members of the South African Police Service, to give effect to the provisions of this order by taking all reasonable steps in order to give effect to this order.

| | | |
|---|---------------------|---|
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, GRAHAMSTOWN | | |
| Private Bag X1011, Grahamstown 6140 | | |
|  | 2021 -06- 18 |  |
| ECD-GH-005 | | |
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, GRAHAMSTOWN | | |

2.3. Paragraph 2.1. of this Order shall operate as an interim order with immediate effect.

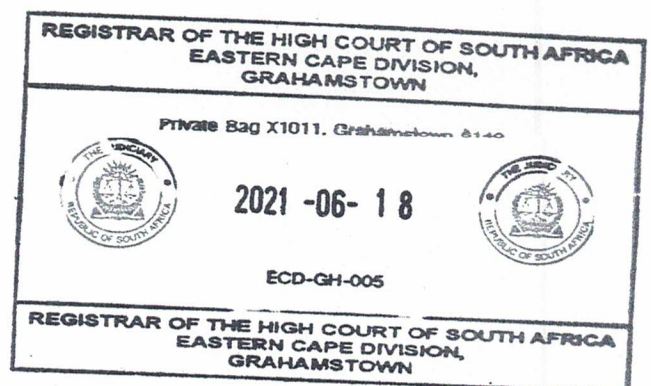
3. Service of this order shall be effected in the following manner on the First to Fourth Respondents:

3.2.1. By the Sheriff and/or assisted by the South African Police Service giving notice via a loud hailer in English and isiXhosa languages at designated public space and at a designated time;

3.2.2. Secondly, by the Sheriff and /or assisted by the South African Police Services serving a copy of the order in the following manner:

3.2.3. By serving a copy of this order on the First to Fourth Respondents by erecting a temporary notice board at **City Hall in Makhanda** and/or at the community hall situated in Joza Township, Makhanda; and/or

3.2.4. By erecting a temporary notice board, outside at the entrance of the Makhanda Police Station and placing a copy of the Order of this Court on those notice boards;

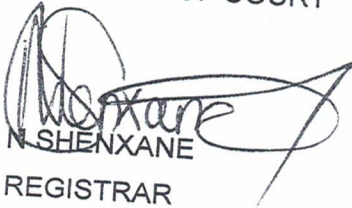




3.2.5. Applicant shall cause 5 copies of the application to be made available for the Respondents to peruse at the Makhanda Police Station upon request; and

3.2.6. As far as possible, by serving on the Second and Third Respondents in accordance with Rule 4 of the Uniform Rules of Court.

4. Directing that the copy of the order be served on the Sixth Respondent by hand.
5. Directing that the First to Fourth Respondents can anticipate the return day on **72 hours' notice.**
6. Directing that any Respondent that opposes these proceedings shall pay the costs associated with such opposition.

BY ORDER OF COURT


N. SHENXANE
REGISTRAR
NETTELTONS

| | | |
|--|--------------|--|
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, GRAHAMSTOWN | | |
| Private Bag X1011, Grahamstown 6140 | | |
|  | 2021 -06- 18 |  |
| ECD-GH-005 | | |
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, GRAHAMSTOWN | | |

NONKULULEKO SHENXANE
REGISTRAR
EASTERN CAPE DIVISION
GRAHAMSTOWN