

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

Case No. 5800/16

In the matter between:

THOZAMA ANGELA ADONISI

First Applicant

PHUMZA NTUTELA

Second Applicant

SHARONE DANIELS

Third Applicant

BIANCA SOSSEN

Fourth Applicant

RECLAIM THE CITY

Fifth Applicant

ATHENKOSI NKAMPULE

Sixth Applicant

TRUSTEES OF THE NDIFUNA UKWAZI TRUST

Seventh Applicant

and

**MEC FOR TRANSPORT AND PUBLIC WORKS:
WESTERN CAPE**

First Respondent

PREMIER OF THE WESTERN CAPE PROVINCE

Second Respondent

THE PHYLLIS JOWELL JEWISH DAY SCHOOL (NPC)

Third Respondent

**TRUSTEES FOR THE TIME BEING OF THE
PHYLLIS JOWELL EDUCATIONAL TRUST**

Fourth Respondent

CITY OF CAPE TOWN

Fifth Respondent

**MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM**

Sixth Respondent

MINISTER OF HUMAN SETTLEMENTS

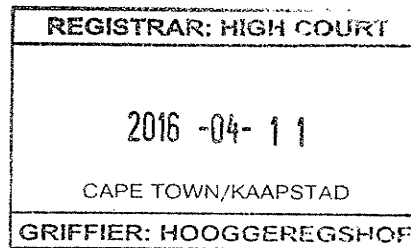
Seventh Respondent

THE MINISTER OF PUBLIC WORKS

Eighth Respondent

MINISTER OF HUMAN SETTLEMENTS: WESTERN CAPE

Ninth Respondent



AFFIDAVIT IN SUPPORT OF PROOF OF SERVICE

I, the undersigned

MOEGAMAT SHAFAT DAVIDS

do hereby make oath and say that:

1. I am an adult male, currently residing at 37 Wolfberg Road, Heideveld, Cape Town. I am employed as an attorney at Ndifuna Ukwazi, Cape Town.

2. I served the Notice of Motion, Founding Affidavit and Annexures in this matter on the following Respondents at the Respondents' principal place of business by hand delivering the documents on the 11th day of April 2016. Stamped receipts of acknowledgement from the respective Respondents are attached as "**MS1**".

3. The addresses at which the documents were delivered are as follows:
 - 3.1. The First Respondent: The address at which the documents were delivered is 9 Dorp Street, Cape Town at 11:20am and received by Zulfa Mohammed.

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MSO

3.2. The Second, Sixth, Seventh and Eighth Respondents: The address at which the documents were delivered is the State Attorney, 22 Long Street, Cape Town at 11:45am and received by Ms Newman.

3.3. The Ninth Respondent: The address at which the documents were delivered is the 4th Floor, 27 Wale Street, Cape Town at 11:30am and received by Mr Ludidi.

3.4. The Fifth Respondent: The address at which the documents were delivered is 12 Hertzog Boulevard, Cape Town at 12:00pm and received by A. Wilson.



MOEGAMAT SHAFAT DAVIDS

SIGNED and SWORN TO before me at Cape Town on this the 11th day of April 2016, the Deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that the oath is binding on his conscience.



COMMISSIONER OF OATHS

JEREMY IVO SIMON
COMMISSIONER OF OATHS
PRACTISING ATTORNEY, RSA
ABRAHAMS & GROSS INC
1ST FLOOR, 56 SHORTMARKET STREET
CAPE TOWN

"MS 1"

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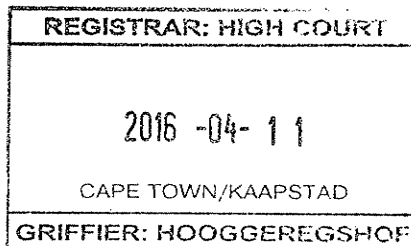
Seventh Respondent

THE MINISTER OF PUBLIC WORKS

Eighth Respondent

MINISTER OF HUMAN SETTLEMENTS: WESTERN CAPE

Ninth Respondent



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NOTICE OF MOTION

TAKE NOTICE THAT application will be made on behalf of the applicants at 14h30 on Thursday, 14 April 2016 or as soon thereafter as counsel may be heard for an order in the following terms:

1. Dispensing with the forms, service and time limits prescribed in the Rules of Court and granting leave for the application to be heard as a matter of urgency.
2. Interdicting the first, second, third and fourth respondents from effecting transfer of Erf 1675, an unregistered portion of Erf 1424 Sea Point, and remainder of Erf 1424 Sea Point (collectively "the Tafelberg Property") to the third or fourth respondent, as the case may be, pending the final determination of an application to be launched by the applicants for orders *inter alia* reviewing and setting aside the decisions of the provincial government to: (i) declare the Tafelberg Property as "surplus" in terms of the Government Immovable Asset Management Act 19 of 2007; and (ii) sell the Tafelberg Property to the third respondent, alternatively, the fourth respondent.
3. Directing the first respondent to furnish the applicants, within 30 calendar days of the date of this order, with written reasons for the decision to sell the Tafelberg Property to the third respondent, alternatively, the fourth respondent.

4. Directing that the costs of this application are to be determined at the hearing of the review application referred to above.
5. Granting the applicants further and/or alternative relief.

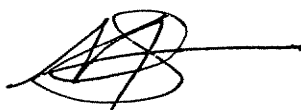
TAKE NOTICE THAT the affidavits of the applicants, **SUSAN PARNELL** and **MALCOM McCARTHY** are used in support of the relief sought.

TAKE NOTICE THAT the applicants have appointed the **NDIFUNA UKWAZI LAW CENTRE**, Office 302, 47 On Strand, Strand Street, Cape Town, as the address at which they will accept notice and service of all process in these proceedings.

TAKE NOTICE THAT if you intend opposing this application you are required to notify the applicants' attorney in writing on or before 17h00 on **Wednesday, 13 April 2016** and further that you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

DATED AT CAPE TOWN ON THIS THE 11th **DAY OF APRIL 2016.**

**NDIFUNA UKWAZI LAW CENTRE
PER:**

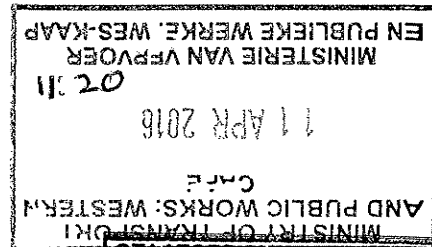


MANDISA SHANDU
Applicants' Attorneys
Office 302
47 On Strand
Stand Street
CAPE TOWN

MSD

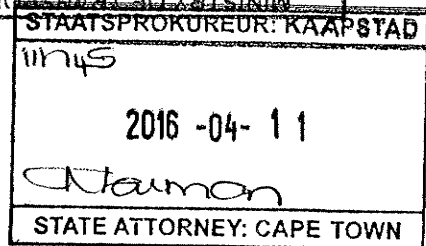
TO: THE REGISTRAR
Western Cape High Court
Keerom Street
CAPE TOWN

AND TO: MINISTER FOR TRANSPORT & PUBLIC WORKS: WESTERN CAPE
First Respondent
9 Dorp Street
CAPE TOWN



B. Z. Lillman

AND TO: PREMIER OF THE WESTERN CAPE PROVINCE
Second Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

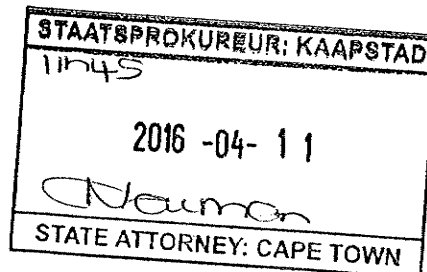


AND TO: PHYLLIS JOWELL JEWISH DAY SCHOOL (NPC)
Third Respondent
14 Chilworth Road
CAMPS BAY
CAPE TOWN

AND TO: TRUSTEES FOR THE TIME BEING OF THE PHYLISS JOWEL EDUCATIONAL TRUST
Fourth Respondent
14 Chilworth Road
CAMPS BAY
CAPE TOWN

AND TO: CITY OF CAPE TOWN
Fifth Respondent
Civic Centre
12 Hertzog Boulevard
CAPE TOWN

AND TO: MINISTER OF RURAL DEVELOPMENT AND LAND REFORM
Sixth Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN



(Handwritten mark)

MSB

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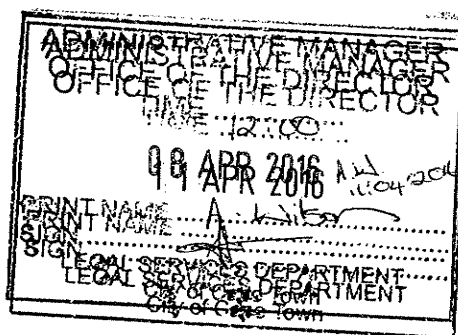
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AND TO: MINISTER OF HUMAN SETTLEMENTS
Seventh Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

STAATSPROKUREUR: KAAPSTAD
1145
2016 -04- 11
Nauman
STATE ATTORNEY: CAPE TOWN

AND TO: MINSITER OF PUBLIC WORKS
Eighth Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

STAATSPROKUREUR: KAAPSTAD
1145
2016 -04- 11
Nauman
STATE ATTORNEY: CAPE TOWN

AND TO: MINISTER OF HUMAN SETTLEMENTS: WESTERN CAPE
Ninth Respondent
Fourth Floor
27 Wale Street
CAPE TOWN

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DEPT. OF HUMAN SETTLEMENTS
PRIVATE BAG/RIVAATSAK X9083
RECEIVED ON 11:30
11 APR 2015
CAPE TOWN / KAAPSTAD 8000
DEPT. VAN MENSLIKE NEDERSETTINGS

v. L. [Signature]