

GAUTENG LOCAL DIVISION, JOHANNESBURG**CASE NO: 2019/21001**

In the matter between:

**RESIDENTS OF JEFF MASEMOLA
EXTENSION 8, WINNIE MANDELA**

Applicant

and

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

Respondent

SUMMARY

SPILG, J**LOCUS STANDI OF APPLICANTS**

- None of the three persons who deposed to affidavits were, on an analysis of the issues, among those whose rights were alleged to have been infringed.

INAPPROPRIATE MANNER OF BRINGING APPLICATION

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- Court considered whether there had been an abuse of process. Two issues arose. The first was the concern that the attorney has for the rights of those affected by urban land distribution and housing allocation. The other was the manner in which he conducted the matter.
- As to the first, the need to resolve in a fair manner the land and housing crisis in the metropolitan areas having regard to available resources is a given. If those entrusted with the responsibility of ensuring that it is done are alleged to have acted improperly then, if administrative processes and negotiation fail, recourse must be had to the courts by way of interdict, compelling orders or declarators to protect rights- not by self- help.
- As to the second; a number of fundamental procedural requirements had been disregarded. Moreover the correct form of citing the applicants was ignored.
- HELD that the lawyers not entitled to charge a fee to any person or committee.