

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case No.: 2019/25865

In the matter between:

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

Applicant

and

**UNKNOWN INDIVIDUALS TRESPASSING AND/OR
ATTEMPTING TO INVADE AND OR SETTLE ON THE
IMMOVEABLE PROPERTY DESCRIBED AS FARM RIET-
FONTEIN 153 AND ALSO KNOWN AS (PALM RIDGE
EXTENSIONS 10, 18 TO 30)**

First Respondent

And SIX OTHERS

Second to Seventh

Respondent

SUMMARY

CIVIL PROCEDURE-CITATION OF RESPONDENT AND REGULATING MATTER

- The applicant did not know the identity of the people who it alleged had attempted to invade an RDP housing project development. The applicant claims that it thwarted the invasion which appeared to be organised
- The applicant feared further attempts at land invasion and inter alia sought *ex parte* interdictory relief. Without knowing the identity of any of those responsible the applicant cited them in a generalised fashion and framed the interim order in the form of a *rule nisi*
- In order to be effective the order contained a provision for those wishing to oppose to be properly identified in which event they would be automatically joined

- It however appeared that there were those who were not directly affected by the order who had placed themselves on a list attached to a notice of intention to oppose.
- The matter remained urgent and it was necessary to regulate the proceedings to ensure that those who were not directly affected by the order were independently identified and the basis on which they sought to be joined set out
- The court also directed that the lists of those intending to oppose be grouped in a rational way and that a brief affidavit be prepared setting out the basis of opposition or the basis on which any other party sought joinder so that the court could decide if there were any triable issues and if so how to regulate the filing of further affidavits on an urgent basis