



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 29 September 2009

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

RANDFONTEIN MUNICIPALITY v J M GROBLER & OTHERS

The Supreme Court of Appeal has upheld an appeal and set aside an order by the South Gauteng High Court for the eviction of approximately 2000 people comprising 900 women, 54 pensioners and 500 children who commenced settling on a farm in 1959.

The application for their eviction was opposed by the occupiers who challenged the jurisdiction of the High Court alleging that the dispute fell to be determined under ESTA because they occupied the land with consent. The High Court accepted the version of the landowner that there was no consent and ordered the eviction in terms of PIE.

The SCA found that there was a real and bona fide dispute on whether there was consent or not because the landowner who bore the onus to establish the jurisdiction of the High Court failed to address the issue of jurisdiction in spite of the fact that there was a real possibility of consent to occupy that preceded his purchase.

The SCA upheld the appeal and remitted the matter to the South Gauteng High Court for the hearing of oral evidence.

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