

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

CASE NO: 1114/14

In the application between:

**THE SOUTH AFRICAN NATIONAL  
ROADS AGENCY LIMITED**



**Applicant**

and

**THE PERSONS INTENDING TO OCCUPY ERF 32524  
NOMZAMU STRAND**

**Respondents**

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**FOUNDING AFFIDAVIT**

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I, the undersigned,

**JACOBUS CORNELIUS VAN DER WALT**

do hereby state under oath:

1. I am an adult male engineer and am the Regional Manager of the Western Region of The South African National Roads Agency Limited ("the Applicant" hereafter referred to as SANRAL). I have been duly authorized to depose to this affidavit and to bring this application on the Applicant's behalf.
2. The facts deposed to herein are within my personal knowledge, unless the context indicates the contrary, and are true and correct. Where I make legal submissions, I do so on the advice of Applicant's legal representatives, which I believe is correct.

A handwritten signature in black ink, appearing to read "J. C. van der Walt", located at the bottom right of the page.

The parties

3. SANRAL is a public company with limited liability, duly incorporated in terms of Section 3 of the South African National Roads Agency Limited and National Roads Act, 7 of 1998 (hereafter referred to as the Act), having its registered place of business at 48 Tamboe Avenue, Val de Grace, PRETORIA, 0184, with its main place of business within this Court's jurisdiction at 1 Havenga Street, Oakdale, Western Cape.
4. The Respondents are persons intending to occupy Erf 32524 Nozamu Strand, which is owned by the Applicant and which is being invaded and has been invaded by persons who have built or are building approximately 100 illegal residential structures.

The Property

5. I annex a copy of the title deed of the Applicant's property marked as annexure "A", as well as an aerial photograph marked as annexure "B". This property was declared as a national road in terms of Section 40 of the Act for inclusion in a proposed re-routing of the N2 national road.

Invasion of the Applicant's property

6. I refer to the Affidavit by Jakobus Daniel Louw attached hereto. All existing structures have been unlawfully erected. If the construction of future structures are not prevented, it could lead to a total invasion of the Applicant's property with obvious catastrophic consequences for the illegal occupiers, neighbouring properties and the Applicant's mandate to re-route the N2. I annex as "C" a self-explanatory notice dated 22<sup>nd</sup> January 2014 from the Cape Town City Council.



7. I also annex as "D1" to "D11" self-explanatory complaints from neighbouring property owners.

Reason for urgency

8. A rule *nisi* incorporating an interim interdict is urgently required. Structures are being erected on a daily basis – particularly over the weekend
9. The Applicant will in due course bring an appropriate application in terms of Act 19 of 1998 (PIE).
10. I respectfully submit that a proper case has been made for the order requested in the Notice of Motion.

DATED at BELLVILLE this 24 day of JANUARY 2014.

  
 \_\_\_\_\_  
 JACOBUS CORNELIUS VAN DER WALT

I certify that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was sworn to before me at BELLVILLE on this 24TH day of JANUARY 2014 and that the provisions of the Regulations contained in Government Notice R1258 of 21 July 1972 (as amended) have been complied with.

  
 \_\_\_\_\_  
 COMMISSIONER OF OATHS

*best. copy*  
 DS/REV. J.G. VAN HOUTEN  
 HUWELIKSBEVESTIGER/MARRIAGE OFFICER  
 KOMMISSARIS VAN EDE/COMMISSIONER OF OATHS  
 BD 30356

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---

**CONFIRMATORY AFFIDAVIT**

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I, the undersigned,

**JAKOBUS DANIEL LOUW**

do hereby make oath and say that:

1.

I am the owner of AJA Informal Housing which has been duly instructed by the Applicant to maintain and secure its property, Erf 32524 Nomzamu, Strand. (hereinafter referred to as the Applicant's or its property).

Two handwritten signatures in black ink, one larger and more prominent than the other, located at the bottom right of the page.

2.

On 5<sup>th</sup> of January 2014, illegal occupants entered the Applicant's property. They constructed 11 illegal structures. I as the Applicant's agent and the South African Police Services removed all 11 structures.

3.

On 19<sup>th</sup> of January 2014, I noticed that a political party, the Economic Freedom Front, was on the Applicant's property. I recognized them by their red berets. They confirmed that they were members of the Economic Freedom Front. They addressed the people on the Applicant's property on a loudhailer. They instigated them to construct illegal structures on the property. I as the Applicant's agent and the South African Police Services removed all 14 structures.

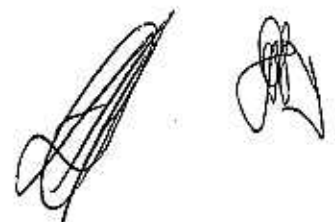
4.

As from 21<sup>st</sup> of January 2014, between 7 and 13 illegal structures were constructed daily. On 24<sup>th</sup> January 2014 I inspected the Applicant's property and noted that 35 structures were completed and occupied and 95 structures were constructed but not occupied. 400 further sites were pegged out for construction. I have tried to remove the illegal structures, but rocks were thrown at me and my staff.

5.

Approximately 100 individuals are still on the Applicant's property erecting structures. It is crucial that the construction of future structures be interdicted to prevent a complete land invasion. Copies of photographs indicating the land invasion is enclosed herewith as annexures "B1" to "B4".

6.



The only way in which further illegal structures could be removed, would be with the assistance of the South African Police Services.

  
\_\_\_\_\_  
JAKOBUS DANIEL LOUW

I certify that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was sworn to before me at Cape Town on the 24<sup>th</sup> day of January 2012 and that the provisions of the Regulations contained in Government Notice R1258 of 21 July 1972 (as amended) have been complied with.

  
\_\_\_\_\_  
COMMISSIONER OF OATHS

**ADRIAAN LOUW HEYNS**  
*Practising Advocate of the High Court R.S.A.*  
COMMISSIONER OF OATHS  
Huguenot Chambers  
40 Queen Victoria Street  
Cape Town, 8001