

SOUTH AFRICA / JUDGMENT

Omar and Another v Minister of Agriculture & Land Affairs and Others (LCC102/07) [2007] ZALCC 20 (28 September 2007) [2007] ZALCC 20

COURT
Land Claims Court

CASE / FILE NUMBER
LCC102/07

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In the Land Claims Court of South Africa

Held in the High Court, Witwatersrand Local Division

Case No: LCC102/07

In the matter between:

F Omar First Applicant

S Kallier Second Applicant

and

Minister of Agriculture & Land Affairs First Respondent

Commission on Restitution of Land Rights Second Respondent

The City of Tshwane Third Respondent

E S Ahmed Fourth Respondent

R Ebrahim Fifth Respondent

The Registrar of Deeds, Pretoria Sixth Respondent

Master of the High Court (TPD) Seventh Respondent

Erma Street Properties cc Eight Respondent

Younis Davis Ninth Respondent

ORDER

It is hereby ordered, by agreement between the parties:

Pending the outcome of the review application in part B of the Notice of Motion, the eighth respondent gives the following undertakings:

not to evict the applicants or any other person in lawful occupation of Erf 581, Asiatic Bazaar Extension 1, JR, Gauteng;

not to make any structural or other renovations, not to enter the property or interfere with the occupational rights of any occupiers without the prior written permission of the applicants;

not to sell or alienate any right in the property;

to, in the event of the Court setting aside the award of restoration to the fourth and fifth respondents and the related settlement agreements and decisions on review, immediately take all necessary steps and sign all documents necessary to effect transfer of the property to the third respondent, and in the event that the costs of such transfer are not paid by the first to third respondents or the State, to also pay the costs of the transfer.

The costs of this application shall be costs in the review proceedings.

Failing compliance by the eighth respondent with paragraph 1.4 hereof, the deputy sheriff be authorised to take such steps and sign such documents as may be required to effect the transfer.

Paragraph 1 is binding in all respects on the liquidators, if any, or the assigns of the eighth respondent.

The sixth respondent is interdicted and restrained from executing or attesting any deed of transfer in respect of the property or from registering any deed of cession in respect of the property, save for the transfer of the property from the fourth and fifth respondents to the eighth respondent and the transfer referred to in paragraph 1.4 above.

The fourth and fifth respondents give similar undertakings to those given by the eighth respondent as set out in paragraphs 1.1 to 1.3 above, which undertakings shall be binding on their executors, heirs and assigns.

Dated at Johannesburg on this 28th day of September 2007.

REGISTRAR

LAND CLAIMS COURT

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