

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GRAHAMSTOWN)

CASE NO:
4747/24.

In the matter between:

ANGELINA MATSHEKE

ZAMILE DYONASE

ALBERT DYONASE

ESTHER NOZILLO DYONASE

TANDIWE DYONASE

MICHAEL DYONASE

NOMASE KOBOKA

NCEDO KOTI

SIDABE MXINZELELI

LUMKA SIKADE

NOWALAKAZI ELISE DYEKE

NOWINSETHI BAMANA

NONKISE KETSE

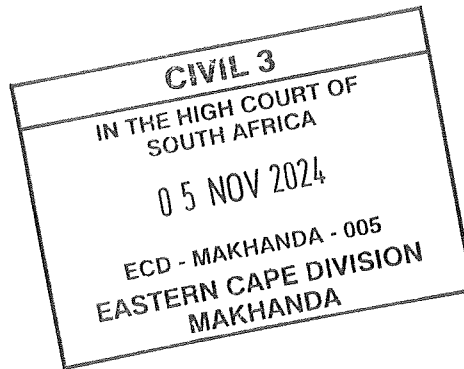
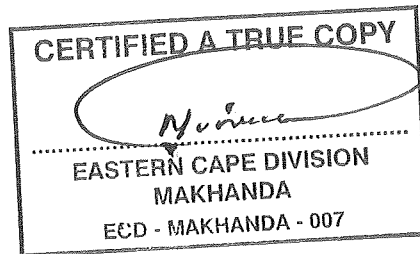
ZOLILE MFUNDISI

THANDIMATEYISE

and

THE MINISTER OF
LAND REFORM AND RURAL DEVELOPMENT

DIRECTOR GENERAL OF THE DEPARTMENT



First Applicant

Second Applicant

Third Applicant

Fourth Applicant

Fifth Applicant

Sixth Applicant

Seventh Applicant

Eighth Applicant

Nineth Applicant

Tenth Applicant

Eleventh Applicant

Twelfth Applicant

Thirteenth Applicant

Fourteenth Applicant

Fifteenth Applicant

First Respondent

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| OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT | Second Respondent |
| CHRIS HANI DISTRICT MUNICIPALITY | Third Respondent |
| ENOCH MGIJIMA LOCAL MUNICIPALITY | Fourth Respondent |
| AMATSHATSHU TRADITIONAL COUNCIL | Fifth Respondent |
| LWAZI/MNINAWA ZICINA | Sixth Respondent |
| THE REGISTRAR OF DEEDS, MITHATHA | Seventh Respondent |
| MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS | Eighth Respondent |

NOTICE OF MOTION

TAKE NOTICE THAT the Applicants intend making an application to the above Honourable Court, on a date to be determined by the Registrar, for an order in the following terms:

1. It is declared that the applicants have informal rights under the Interim Protection of Informal Land Rights Act 31 of 1996 to the farms known as "Maties" and "Forest Range" (Portion 0, 1 and 2).

2. It is declared that the applicants' informal rights to land include the following rights:

- 2.1. The right to possess the land, which includes the right of physical control of the land for one's own benefit, and the right to resist any unlawful invasion.
 - 2.2. The right to use and to enjoy the land, including the right to use the land for any ordinary and natural purpose, and to enjoy the property and its fruits.
 - 2.3. The right to alienate the rights to the property, including to one's descendants or family upon death, subject to communal rules.
 - 2.4. The right to form a communal association of some or all persons with informal rights to land living on Gwatyu.
3. The Registrar of Deeds (Mthatha) is directed to register the applicants' rights in terms of section 3 of the Deeds Registries Act 47 of 1937 against the title deeds of the Maties and Forest Range farms per the table annexed as **AM24**.
 4. The First and Second Respondents are to pay the costs of this application, including the costs of two counsel.

KINDLY TAKE NOTICE FURTHER that the affidavits of **SIPESIHLE MGUGA, DR ROSALIE KINGWILL, THEMBAKAZI MATSHEKE, ANGELINA MATSHEKE,** and the Second to Fifteenth Applicant will be used in support of the application.

KINDLY TAKE NOTICE FURTHER that the Applicants have appointed the Legal Resources Centre whose address is set out below, as the address at which they will accept notice and service of all documents in these proceedings.

KINDLY TAKE NOTICE FURTHER if any of the Respondents intend opposing this application, they are required:

1. To notify the Applicants' attorneys in writing, within ten (10) days of the service of the Notice of Motion, of such intention to oppose;
2. Within fifteen (15) days of notifying the Applicants' attorneys of their intention to oppose the application, to deliver their answering affidavit, if any, together with any relevant documents in answer to the allegations made by the applicants; and
3. To appoint in their notice of opposition an address, within eight (8) kilometres of the Registrar of this court, at which they will accept notice and service of all documents in these proceedings.

TAKE NOTICE FURTHER that if no notice of intention to oppose is given, the application will be set down and heard on **Tuesday the 3rd day of December 2024 at 09h30**, or as soon thereafter as counsel may be heard.

SIGNED AT Makhanda on this 04 day of November 2024.



LEGAL RESOURCES CENTRE

Attorneys for the Applicants

116 High Street

GRAHAMSTOWN

Tel: (046) 622 9230

Fax: (046) 622 3933

E-mail: Sipesihle@lrc.org.za

Ref: S Mguga

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT

**AND TO: THE FIRST RESPONDENT
THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM**

600 Lilian Ngoyi Street

Pretoria

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c/o The State Attorney

AND TO: THE SECOND RESPONDENT

**DIRECTOR-GENERAL OF THE DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT AND LAND REFORM**

600 Lilian Ngoyi Street

Pretoria

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AND TO: STATE ATTORNEY

Old Mutual Centre, 8th Floor

167 Andries Street,

Pretoria

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AND TO: **THIRD RESPONDENT**
CHRIS HANI DISTRICT MUNICIPALITY
15 Bells Road, Central, Komani
Eastern Cape
5320

AND TO: **FOURTH RESPONDENT**
ENOCH MGIJIMA LOCAL MUNICIPALITY
70 Cathcart Road, Komani
Eastern Cape
5320

AND TO: **FIFTH RESPONDENT**
AMATSHATHSU TRADITIONAL COUNCIL
Fordyce Farm
Gwatyu, Komani
5320

AND TO: **SIXTH RESPONDENT**
MR LWAZI/MNINAWA ZICINA

AND TO: **SEVENTH RESPONDENT**
THE REGISTRAR OF DEEDS OF, MTHATHA
c/o Owen & Leeds Street, Botha Sigcau Building
Mthatha
5099

AND TO: **EIGHTH RESPONDENT**
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS
87 Hamilton Street, Arcadia, Pretoria
c/o the State Attorney

Old Mutual Centre, 8th Floor, 167 Andries Street,
Pretoria
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