

THE LAND CLAIMS COURT OF SOUTH AFRICA

RANDBURG : J Meer

Case number: LCC65/08

In the matter between:

**THE TRUSTEES FOR THE TIME BEING OF
THE LOMSHIYO TRUST**

First Applicant

AND OTHERS



and

**THE REGIONAL LAND CLAIMS COMMISSIONER,
MPUMALANGA**

First Respondent

AND OTHERS

ORDER

Having heard Counsel for the Applicant and having noted the exchange of correspondence between the Applicant's attorney and the attorney for the First to Third Respondents, the Court makes an order –

1. Reviewing and setting aside the decision of the First Respondent to publish Government Notice 426 of 2007 dated 13 April 2007 in Government Gazette No. 29775;
2. Declaring that Notice 426 of 2007 is unlawful, invalid and of no force or effect;
3. Directing the First Respondent to publish a notice in the Government Gazette withdrawing Notice No. 426 of 2007 within 15 days of the date of this order;

4. Interdicting the First Respondent from referring to the farms Wonder Scheur 362 JU, Colombo 365 JU, Dycedale 368 JU, Verulam 351 JU, Bickenhall 346 JU or to any portion thereof as listed in the first column of the table in Notice 426 of 2007 (together referred to as “the farms”) in any notice published in terms of section 11(1) or 11A of the Restitution Act in respect of the claims lodged by or on behalf of the Fifth to Ninth Respondents and bearing reference numbers KRP11444, KRP11206, KRP10323, KRP7877, KRP11069 (“the claims”);
5. Interdicting the First Respondent from referring the claims to the Land Claims Court in terms of section 14(1) of the Restitution Act as being claims in respect of the farms;
6. Interdicting the First and Second Respondents from referring the claims to the Third Respondent for purposes of any expropriation of the farms in terms of section 42E of the Restitution Act;
7. Interdicting the Third Respondent from expropriating the farms or any right in the farms on the basis of the claims;
8. Directing the First, Second and Third Respondents to pay the costs of the application on an unopposed basis, jointly and severally, the one paying the others to be absolved.



REGISTRAR: LAND CLAIMS COURT

22 July 2008