



CONSTITUTIONAL COURT OF SOUTH AFRICA

Occupiers of Portion R25 of the farm Mooiplaats 355 JR v Golden Thread Limited and Others

Case No.: CCT 25/11

Date of Hearing: 13 September 2011

Date of Judgment: 7 December 2011

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On Wednesday 7 December 2011 the Constitutional Court gave judgment in a case in which the applicants were about 170 families who unlawfully occupied certain land within the City of Tshwane Metropolitan Municipality (City) owned by Golden Thread Limited. The applicants appealed against an order of the North Gauteng High Court, Pretoria (High Court), evicting them from the land on the basis that their eviction is just and equitable. The City had been joined in the proceedings in the High Court but took no part in them. Though the High Court lamented this, it did not order the City to provide any information about the steps that could be taken against the possible homelessness of the occupiers as a result of the eviction.

In a unanimous judgment written by Yacoob J, the Constitutional Court held that in the circumstances of the case, where a large number of families would be rendered homeless, the High Court should have investigated the question of whether their eviction was just and equitable more closely. Further, it should have done so after the City was required to furnish certain information about the occupiers and, in particular, the steps the City could take to provide emergency housing.

The Constitutional Court referred the matter back to the High Court for that Court to consider the case after the City had provided the necessary information.