

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

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07/11/22.

CASE NUMBER: 9765/2022

**MONDAY 7 NOVEMBER 2022
BEFORE THE HONOURABLE MS ACTING JUSTICE RALARALA**

In the matter between:

BARDALE VILLAGE DEVELOPMENT (PTY) LTD

Applicant

and

SANDILE MBANZI

First Respondent

NOZUKO MANTSHINTSHANA

Second Respondent

TAMARA BUYISELWA BOMANE

Third Respondent

SIMON SISEKO PLAATJIE

Fourth Respondent

**ALL THOSE PERSONS
PARTICIPATING IN OR INTENDING TO
TRESPASS, UNLAWFULLY DISRUPT AND/OR
INTIMIDATE AT THE SPEYER AND
BATLEY CONSTRUCTION SITES
AND/OR IDENTIFYING AS MEMBERS OF THE
'IKAPALETHU'**

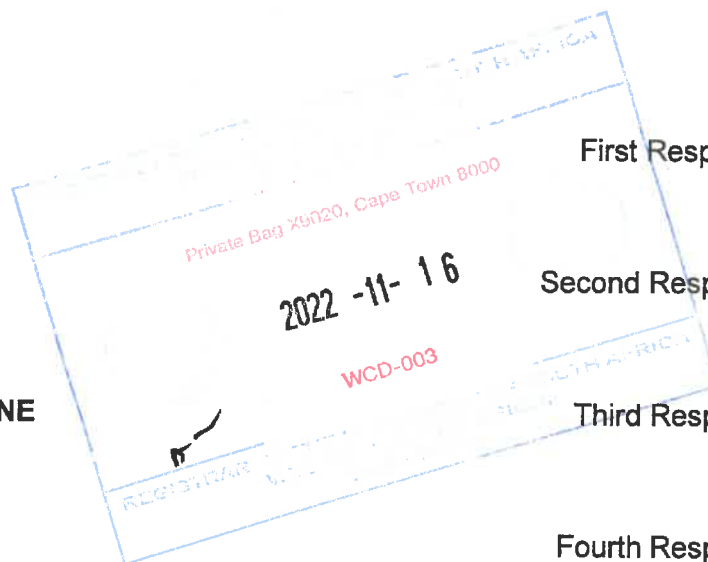
Fifth Respondent

**THE MUNICIPAL MANAGER:
THE CITY OF CAPE TOWN**

Sixth Respondent

**STATION COMMISSIONER
OF THE MFULENI
POLICE STATION**

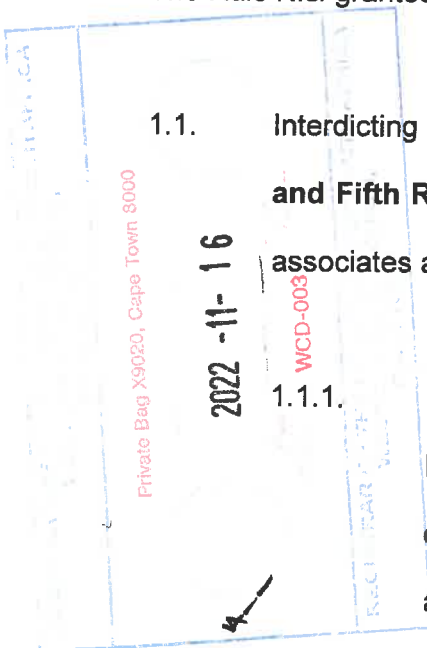
Seventh Respondent



~~DRAFT ORDER~~

HAVING READ THE PAPERS AND HAVING HEARD COUNSEL FOR THE APPLICANT, IT IS ORDERED AS FOLLOWS:

1. The Rule *Nisi* granted in this matter is made final and a final order is granted:



1.1. Interdicting and restraining the **First Respondent, Fourth Respondent and Fifth Respondents** together with any of their assigns, agents and/or associates acting under their instructions from:

1.1.1. unlawfully intimidating, threatening, interrogating and/or harming in any way whatsoever, any construction workers, employees and/or sub-contractors employed by the Applicant and/or their agent and any of the Applicant's service providers situated at the construction sites, namely **ERF 8293, on the Corner of Speyer Street and Nooiensfontein Road**, also known as Seckenhein Drive, Blue Downs, Cape Town and on **ERF 20733, on the corner of Batley Road and Nooiensfontein Road**, Blue Downs, Cape Town ("the Construction Sites");

1.1.2. unlawfully obstructing any entrances or exits to the Construction Sites by, *inter alia*, locking gates, placing any obstruction of any

kind in the road leading to such Construction Sites or gathering outside of such gate leading to the Construction Sites;

1.1.3. unlawfully preventing or restricting freedom of movement of the Applicant's employees, sub-contractors and representatives or any person/s visiting the Construction Sites in any manner whatsoever;

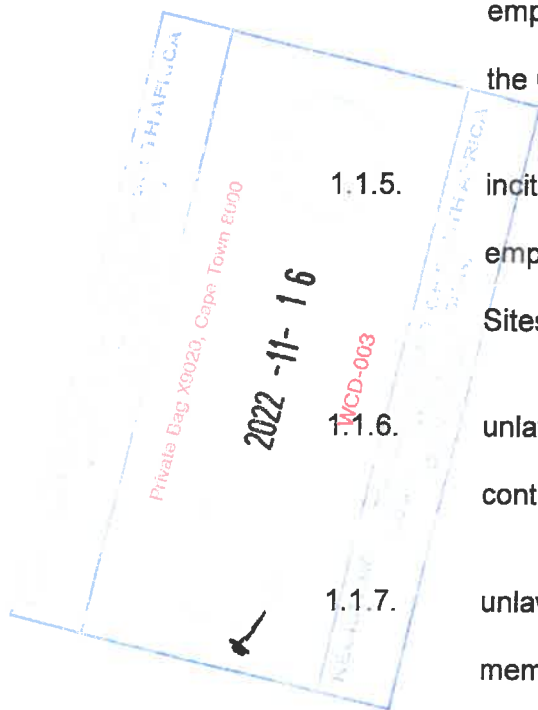
1.1.4. damaging any property of the Applicant, its sub-contractors, employees and/or representatives or any other person/s visiting the Construction Sites;

1.1.5. inciting any violence or harm against any of the Applicant's staff, employees and/or sub-contractors present on the Construction Sites;

1.1.6. unlawfully threatening the Applicant with the closure of its contractor's business activities at the Construction Sites;

1.1.7. unlawfully enticing, organising and/or mobilising any community members, staff of the Applicant and/or its sub-contractors to unlawfully disrupt the construction works at the Construction Sites;

1.1.8. preventing any employee and/or subcontractor of the Applicant from accessing or remaining on the Applicant's Construction Sites;



1.1.9. destroying or damaging any of the property at the Applicant's Construction Sites; and

1.1.10. carrying any weapons onto the Applicant's Construction Sites, including but not limited to sticks, whips, rocks and firearms.

2. The **First Respondent and Fourth Respondent** are ordered to pay the Applicant's costs of this application, jointly and severally, the one paying the other to be absolved, on a scale as between attorney and client.

3. The South African Police Service are authorised to assist the Applicant, should it be necessary, with the enforcement of this Order.

4. The service of this Order shall be effected as follows:

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Private Bag X81020, Cape Town 8000

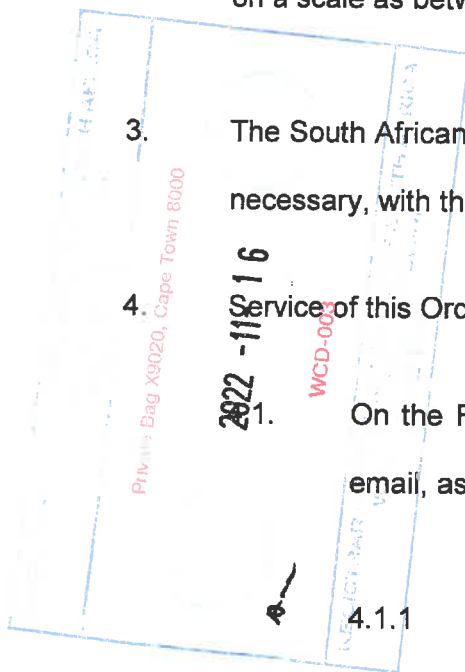
WCD-003

1. On the First Respondent and Fourth Respondents, by the sheriff and by email, as follows:

4.1.1 By email to the First Respondent at ingomsoss@gmail.com;

4.1.2 By the sheriff on the First Respondent at 7429 Ntlongoname Close; Lower Crossroads, Phillipi East;

4.1.3 By email to the Fourth Respondent at sisekoplaattjie@gmail.com; and



4.1.4 By the sheriff on the Fourth Respondent at 13 Sir Walter Street, Avalon Park, Kuils River.

4.2. On the Fifth Respondent, by:

4.2.1. publishing a copy thereof on the Applicant's website and Facebook page;

4.2.2. appending a copy thereof to the entrances of the Construction Sites; and

4.2.3. by transmitting an email to sethudangisa@gmail.com.

4.3. On the Sixth and Seventh Respondents, by the Sheriff.

BY ORDER OF THE COURT

2022 -11- 16

WCD-003

COURT REGISTRAR

C&A FRIEDLANDER INC., Claremont

Applicant's Attorneys

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