

CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 63/05

JPL JANSE VAN RENSBURG

Applicant

versus

MALUTI-A-PHOFUNG MUNICIPALITY

Respondent

Decided on : 14 December 2005

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JUDGMENT

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THE COURT:

[1] Mr Janse van Rensburg has applied directly under section 167(6)(a) of the Constitution to this Court for relief against the Maluti-a-Phofung Municipality (formerly Harrismith). He is a Chief Engineer. He acts without legal representation.

[2] The background to the application was a decision by the Municipality not to renew a lease agreement in relation to property first let to the applicant's mother, and on which his mother and he had made improvements. The applicant and the Municipality disagreed as to the consequence of the termination of the lease agreement. The applicant subsequently took the matter to the Bloemfontein High Court, where his claim was dismissed because of his failure to amend his particulars of claim in time.

[3] It is clear that the applicant feels that he was unfairly treated by the respondent. However, not only did the applicant not comply with the Rules of this Court. He failed in his notice of motion to explain specifically why it is in the interests of justice for this Court to grant direct access to him. The applicant seeks substantially the same relief in this Court as he did in the High Court. It is not clear from the papers that proceedings in the High Court are not still pending, that the possibilities of arbitration have been excluded, or that there are reasons why he should not note an appeal to another court, if he feels aggrieved by the High Court's decision.

[4] This Court has consistently pointed out that it will grant direct access if it is in the interests of justice and if exceptional circumstances exist. No exceptional circumstances have been demonstrated by the applicant to justify the hearing of this matter at this stage in this Court. It is not in the interests of justice to grant direct access to him.

[5] The application for direct access to this Court is accordingly dismissed.

THE COURT: Langa CJ, Moseneke DCJ, Mokgoro J, Ngcobo J, Sachs J, Skweyiya J, Van der Westhuizen J, Yacoob J.