

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No.

High Court Case No: 18205/2018

In the matter between:

**THE RESIDENTS OF INDUSTRY HOUSE,
5 DAVIES STREET, NEW DOORNFONTEIN,
JOHANNESBURG**

First Applicants

**THE RESIDENTS OF ROSANO MODES,
32 AND 34 DAVIES STREET,
NEW DOORNFONTEIN, JOHANNESBURG**

Second Applicants

**THE RESIDENTS OF 36 DAVIES STREET,
DOORNFONTEIN, JOHANNESBURG**

Third Applicants

**THE RESIDENTS OF 39-41 DAVIES STREET,
DOORNFONTEIN, JOHANNESBURG**

Fourth Applicants

**THE RESIDENTS OF WELLINGTON COURT,
34 LEYDS STREET, JOUBERT PARK JOHANNESBURG**

Fifth Applicants

**THE RESIDENTS OF REMINGTON COURT,
CNR NUGGET AND JEPPE STREETS, JOHANNESBURG**

Sixth Applicants

**THE RESIDENTS OF THE WEMMER SHELTER,
TURFONTEIN, JOHANNESBURG**

Seventh Applicants

**THE RESIDENTS OF ERVEN 87 & 88, BERA
JOHANNESBURG**

Eighth Applicants

**THE RESIDENTS OF 20 JANIE STREET,
JEPPESTOWN, JOHANNESBURG**

Ninth Applicants

**THE RESIDENTS OF 50, 52 AND 54 SOPER ROAD
BEREA, JOHANNESBURG**

Tenth Applicants

**THE RESIDENTS OF 1 DELVERS STREET,
MARSHALLTOWN, JOHANNESBURG**

Eleventh Applicants

and

THE MINISTER OF POLICE	First Respondent
THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY	Second Respondent
MINISTER OF HOME AFFAIRS	Third Respondent
DIRECTOR-GENERAL OF THE DEPARTMENT OF HOME AFFAIRS	Fourth Respondent
MEC FOR ROADS AND TRANSPORT (GAUTENG)	Fifth Respondent
MZAMANI ERIC NKUNA N.O.	Sixth Respondent
DELIWE SUZAN DE LANGE N.O.	Seventh Respondent
HERMAN MASHABA N.O.	Eighth Respondent
ALBERT MATSAUNG N.O.	Ninth Respondent
NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE	Tenth Respondent

NOTICE OF APPLICATION

PLEASE TAKE NOTICE THAT the applicants intend to apply, on a date to be determined by the Chief Justice, for an order in the following terms -

- 1 Confirming paragraph (a) of the order of the High Court in *Residents of Industry House, 5 Davies Street, New Doornfontein, Johannesburg and Others v Minister of Police and Others* (18205/2018) [2020] ZAGPJHC 146 (29 June 2020) (“the High Court judgment”), which declared section 13 (7) (c) of the South African Police Services Act 68 of 1995 (“the SAPS Act”) unconstitutional and invalid.

- 2 Granting leave to appeal against the High Court judgment insofar as it –

- 2.1 Declined to declare sections 13 (7) (a) and (b) of the SAPS Act unconstitutional;
 - 2.2 Refused the applicants' claims for constitutional damages;
 - 2.3 Refused the applicants' claim for an interdict restraining future unlawful searches of their homes.
- 3 Directing that costs in this application will be costs in the appeal.

TAKE NOTICE FURTHER THAT the accompanying affidavit of **NOMZAMO ZONDO**, and the annexures thereto, will be used in support of this application.

AND TAKE NOTICE FURTHER THAT the applicants have appointed as their attorneys the **SERI LAW CLINIC**, at the address set out below, where they will accept service of all notices, documents and other process in these proceedings.

AND TAKE NOTICE FURTHER THAT, if you intend to oppose the application, you are required, to state your intention to do so, and set out your grounds of opposition, in writing, within 10 days of service of this application upon you.

DATED AT BRAAMFONTEIN ON THIS THE 20th DAY OF JULY 2020.



SERI LAW CLINIC
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TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT
JOHANNESBURG**

AND TO: **THE STATE ATTORNEY**

1st, 6th, 7th and 10th Respondents' Attorneys

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95 Albertina Sisulu Street, Cnr Kruis

Johannesburg

Private Bag X9, Johannesburg

DOCEX 688, Johannesburg

Ref to: MR A MILFORD

Ref: 3403/18/P28

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AND TO: **PHAMBANE MOKONE INCORPORATED**

Second & Eighth Respondents' Attorneys

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