

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CC CASE NO: TO BE ALLOCATED

SCA CASE NO: 410/16

LAND CLAIMS COURT CASE NO : LCC 49/2012

In the matter between:

THE MAMAHULE COMMUNAL PROPERTY ASSOCIATION	First Applicant
MAMAHULE COMMUNITY	Second Applicant
MAMAHULE TRADITIONAL AUTHORITY	Third Applicant
THE OCCUPIERS OF THE FARM KALKFONTEIN	Fourth Applicant

and

THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM	Respondent
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**APPLICATION FOR LEAVE TO APPEAL
RULE 19**

PLEASE TAKE NOTICE that the above Applicants hereby apply to the above honourable Court for an order in the following terms:-

1. That the Applicants be granted leave to appeal against the whole of the judgment and order of the Land Claims Court, per Mpshe *et* Canca AJJ, dated 1 August 2014 under case number LCC 94/2012;

2. That the costs of this application be costs in the appeal;

3. Further and/or alternative relief.

PLEASE TAKE FURTHER NOTICE that at the hearing of the matter, the following order shall be sought on appeal:

1. That the appeal be upheld with costs.

2. That the order of the Land Claims Court be set aside and be replaced by the following order:

The application is dismissed with costs

PLEASE TAKE FURTHER NOTICE that the affidavits of Professor Lesiba Ezekiel Matsaung and Ms Louise du Plessis annexed hereto will be used in support of this application.

TAKE FURTHER NOTICE that the Applicants appoint the address of their attorneys given below as address where all process and correspondence will be received.

TAKE FURTHER NOTICE that within **10 (ten) days** of receipt hereof, Respondents may file an answering affidavit in which they may state whether they consent to leave being granted, or, if they oppose leave being granted, they may set out the grounds for their opposition.

SIGNED AT PRETORIA ON THIS ____ DAY OF JULY 2016.

GILFILLAN DU PLESSIS

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Ref: MARILYN BUDOW

**TO: THE REGISTRAR
THE CONSTITUTIONAL COURT
CONSTITUTION HILL
JOHANNESBURG**

AND TO: THE STATE ATTORNEY, PRETORIA
Attorneys for Applicants
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Received copy hereof this

_____ day of May 2016.
