



**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**Case CCT 42/12**

In the matter between:

**PONTSHO DOREEN MOTSWAGAE**

First Applicant

**FOURTEEN OTHERS**

Second to Fifteenth Applicants

and

**RUSTENBURG LOCAL MUNICIPALITY**

First Respondent

**PROMPTIQUE TR 9 CC**

Second Respondent

**LAWYERS FOR HUMAN RIGHTS**

Amicus curiae

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**FURTHER DIRECTIONS DATED 05 NOVEMBER 2012**

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The Chief Justice has issued the following further directions:

1. The applicants and the first respondent are invited to submit additional written argument by Friday 16 November 2012 on the issues mentioned below on the basis that the applicants are occupiers of the property whether lawful or unlawful.
2. The written argument must deal with whether:

- (a) section 26(3) of the Constitution or any other law confers on the applicants any right not to be disturbed in the peaceful occupation and possession of their home without a court order;
- (b) the premises they occupy can properly be regarded as their homes within the meaning of section 26(3) of the Constitution;
- (c) the conduct authorised and caused by the first respondent has resulted and is likely to result in unlawful interference with the right of the applicants who occupy or possess their homes peacefully; and
- (d) the conduct authorised and caused by the first respondent can be regarded as reasonable absent any order of court ejecting the applicants from the property concerned.

3. Further directions may be issued in due course.

**MS STANDER  
SENIOR REGISTRAR  
CONSTITUTIONAL COURT**

**TO: LEGAL RESOURCES CENTRE**

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