

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO.

SCA CASE NO 412/2013

KZN CASE NO. 3329/2013

In the matter between:

JABULANI ZULU & 389 OTHERS

**APPLICANTS
(INTERVENING PARTY IN THE COURT A QUO)**

and

THE ETHEKWINI MUNICIPALITY

**FIRST RESPONDENT
(FIRST RESPONDENT IN THE COURT A QUO)**

MINISTER OF POLICE

**SECOND RESPONDENT
(SECOND RESPONDENT IN THE COURT A QUO)**

**THE MEC FOR HUMAN SETTLEMENTS &
PUBLIC WORKS OF THE PROVINCE OF
KWAZULU-NATAL**

**THIRD RESPONDENT
(APPLICANT IN THE COURT A QUO)**

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

TAKE NOTICE that the Applicants hereby apply for leave to appeal to the above Honourable Court in accordance with Rule 19 of the Constitutional Court rules and seek the following relief:

1.

- 1.1 Granting the Applicants leave to appeal against the order of the Supreme Court of Appeal handed down on 5 August 2013. A copy of which is annexed hereto marked "A".

1.2 Setting aside the order of Kruger J in which he refused the Applicants' leave to intervene in the application before him.

1.3 Substituting the order of Kruger J with an order in the following terms:-

“The Applicants are given leave to intervene in the application.”

1.4 Ordering that the costs of the present appeal be paid by any Respondent opposing it.

1.5 Further or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of Lindelwa Shirley Mgodana together with the annexures thereto will be used in support of the application.

TAKE NOTICE FURTHER that the Applicant has appointed the office of the LEGAL RESOURCES CENTRE in Bram Fischer Towers, 16th floor, 20 Albert Street, Johannesburg, 2001 as the address at which notice and service of all processes in these proceedings shall be accepted.

TAKE NOTICE FURTHER that in accordance with Rule 19(4) of the Honourable Court's rules, the respondents may, within 10 (TEN) days from the date upon which this application is lodged, respond thereto in writing, indicating whether or not the application for leave to appeal is being opposed, and if so, the grounds for such opposition and further that the respondent may lodge a cross-appeal as provided for in Rule 19(5).

TAKE NOTICE FURTHER that in its response, any respondents who wish to oppose this application is required to:-

- (a) indicate whether or not it consents to the grant of the leave to appeal and if not, the grounds for its opposition; and

- (b) appoint an address at which it will accept notice and service of all documents in these proceedings.

DATED at DURBAN this 23 day of AUGUST 2013.




EMMA BROSTER
APPLICANTS' ATTORNEY
LEGAL RESOURCES CENTRE,
DURBAN
C/O Legal Resources Centre
16th floor Bram Fischer Towers
20 Albert Street
JOHANNESBURG
2001
Tel: 011 836 9831
Email: emma@lrc.org.za

TO: THE STATE ATTORNEY [KZN]
SECOND & THIRD RESPONDENTS' ATTORNEYS
6TH FLOOR METROPOLITAN LIFE BUILDING
391 ANTON LEMBEDE STREET
DURBAN
REF: 551/067/13/L/P17
MS. O. JAMES
C/O STATE ATTORNEY
JOHANNESBURG

AND TO: THE ETHEKWINI MUNICIPALITY
FIRST RESPONDENT
City Hall
DURBAN
C/O LEGAL SERVICES DEPARTMENT
12th Floor
221 Anton Lembede Street
DURBAN

ACKNOWLEDGE RECEIPT OF THIS DOCUMENT,
ON BEHALF OF THE STATE ATTORNEY (KZN)
WITHOUT PREJUDICE TO THE DEFENDANT(S)/
RESPONDANT(S)/ PLAINTIFF(S)/ APPLICANT(S).

12:34 23/08/13
TIME RECEIVED DATE


SIGNATURE

ETHEKWINI MUNICIPALITY
LEGAL SERVICES DEPT.
RECEIVED BY: NOBUKE
DATE: 23/08/13
TIME: 12:13