IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

GRIFFIER VAN DIE KONSTITUSIONELE HOF
PRIVAATSAK/PRIVATE BAG X32
1997 -08- 14
BRAAMFONTEIN 2017
REGISTRAR OF THE CONSTITUTIONAL COURT

CCT NO. 21/97

In the matter between:

HEKPOORT ENVIRONMENTAL PRESERVATION SOCIETY	1st Applicant
WILLEM LOUW	2nd Applicant
and	
THE MINISTER OF LAND AFFAIRS	1st Respondent
THE MINISTER OF DEVELOPMENT PLANNING, ENVIRONMENT & WORKS FOR THE PROVINCIAL GOVERNMENT OF GAUTENG	2nd Respondent
THE MINISTER OF WATER AFFAIRS & FORESTRY	3rd Respondent
HEKPOORT FOODS CC	4th Respondent

NOTICE OF OPPOSITION

BE PLEASED TO TAKE NOTICE THAT the 4th Respondent herewith opposes the Application of the Applicants under the above Case Number in the Constitutional Court.

BE PLEASED TO FURTHERMORE TAKE NOTICE THAT the 4th Respondent appoints the address of its attorneys as indicated below, as address where it will accept service of all notices, documentation and pleadings in the matter.

.../2

DATED AT PRETORIA ON THIS 12th DAY OF AUGUST 1997.

SAVAGE, JOOSTE & ADAMS
c/o CUZEN & WOODS
ATTORNEYS FOR 4th RESPONDENT
No. 1, 14th AVENUE
cor. OXFORD ROAD
HOUGHTON ESTATE
REF: MR Z RANDEREE

AND TO : WEBBER ELS INCORPORATED
ATTORNEY FOR APPLICANTS
UNIT 3 TULBAGH
360 OAK AVENUE
RANDBURG
TEL : 781 0804
DX : 441
JOHANNESBURG

Received copy hereof on this
day of 13/8 1997.

ATTORNEYS FOR THE APPLICANTS

AND TO : THE REGISTRAR OF THE
CONSTITUTIONAL COURT
JOHANNESBURG

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO. ~~25~~ 21/97

In the matter between :

HEKPOORT ENVIRONMENTAL PRESERVATION SOCIETY	1st Applicant
LOUW WILLEM	2nd Applicant
and	
THE MINISTER OF LAND AFFAIRS	1st Respondent
THE MINISTER OF DEVELOPMENT PLANNING, ENVIRONMENT & WORKS FOR THE PROVINCIAL GOVERNMENT OF GAUTENG	2nd Respondent
THE MINISTER OF WATER AFFAIRS & FORESTRY	3rd Respondent
HEKPOORT FOODS CC	4th Respondent

FILING SHEET : AFFIDAVIT

PRESENTED FOR FILING :

.....

WEBER ELS INCORPORATED
Attorney for Applicants
c/o MATLALA INC
8th Floor
Standard General Building
215 Proes Street
PRETORIA
TEL : 012-326-8923
REF : C M BEAN/N MATLALA
DX : 441 JOHANNESBURG

TO :
THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
PRETORIA

AND TO :
ATTORNEYS S J A SWANEPOEL
1st, 2nd & 3rd Respondents Attorneys
The State Attorney
Fedlife Forum
4th Floor South Tower
Cnr Pretorius & Van der Walt Streets
PRETORIA Fowie Swanepoel
REF : SJAS/39/ZH8000/60/2266/A5)
TEL : 012-310-2707
012 322 0177

STAATSPROKUREUR
PRIVAATSAK/PRIVATE BAG X91
1997 -08- 06
PRETORIA
STATE ATTORNEY

RECEIVED COPY HEREOF THIS

DAY OF AUGUST 1997

8J 11:45

.....

For : 1ST, 2ND & 3RD
RESPONDENTS' ATTORNEYS

ONTVANG SONDER BENADELING VAN REGTE
ACCEPTED WITHOUT PREJUDICE

AND TO :
SAVAGE JOOSTE & ADAMS
4th Respondent's Attorneys
Savage Jooste & Adams House
Hadefields
1267 Pretorius Street
HATFIELD
PRETORIA
REF : M VAN STADEN/JL/V110

fax: (012) 342-7882
342-7982

RECEIVED COPY HEREOF THIS

7 DAY OF AUGUST 1997

Rochait 10:30

.....

For : 4TH RESPONDENT'S ATTORNEYS

SAVAGE, JOOSTE & ADAMS INC.
Accepted Without Prejudice
Ontvang Sonder Benadeling Van
Regte

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT NO. 21/97

In the matter between :

HEKPOORT ENVIRONMENTAL PRESERVATION SOCIETY	1st Applicant
LOUW WILLEM	2nd Applicant
and	
THE MINISTER OF LAND AFFAIRS	1st Respondent
THE MINISTER OF DEVELOPMENT PLANNING, ENVIRONMENT & WORKS FOR THE PROVINCIAL GOVERNMENT OF GAUTENG	2nd Respondent
THE MINISTER OF WATER AFFAIRS & FORESTRY	*3rd Respondent*
HEKPOORT FOODS CC	4th Respondent

AFFIDAVIT

I, the undersigned,

CHRISTOPHER MARK BEAN

do hereby make oath and say as follows :

1 I am the Attorney of record for the Applicants herein and the facts alleged herein are, unless otherwise stated, within my own personal knowledge and belief and are true and correct.

2 I attach hereto an Application in terms of Rule 30(5) in the Case No. 5261/96 (TPD) and referred to in the pleadings of this action as the "TPD pleadings".

3 As will be seen from the Application in terms of Rule 30(5) the Fourth Respondent is seeking to have the Application in the High Court dismissed on the grounds, inter alia, that the Applicant has failed to provide security for costs.

4 If the Application annexed hereto as Exhibit "A" is indeed successful then it will clarify the very concerns which the Applicants have held all along; namely :

4.1 That the Fourth Respondent will, by the use of technicalities, have been successful in preventing any hearing whatsoever on the substantive issues of the abovenamed action.

4.2 That the use of costs orders are an effective device which enables the Court to "kick for touch" and avoid deciding on substantive public issues which require the attention of the Courts.

5 I submit that the Application annexed hereto as Exhibit "A" only serves to emphasise even more the need to have this matter decided by a Tribunal such as the Constitutional Court which will not be influenced or distracted by extraneous technicalities which will result in the substantive issues being ignored altogether.

.....
DEPONENT

SIGNED AND SWORN TO AT RANDBURG ON THIS THE 31st DAY OF July 1997 THE DEPONENT HAVING ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, THAT IT IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE, THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND THAT THE PRESCRIBED OATH WILL BE BINDING ON HIS/HER CONSCIENCE.

BEFORE ME,

.....
COMMISSIONER OF OATHS

Sandra Lillian de Jager
Commissioner of Oaths
Practising Attorney RSA
Tulbagh North, 369 Oak Avenue
Randburg 2194

WEBER ELS INC.

Registration No.95/4062/21

ATTORNEYS, LIQUIDATORS, TRUSTEES & ADMINISTRATORS OF ESTATES

Directors:
Kenneth Els B.Proc (Unisa)
Peter Schoeman B.Proc (Unisa), Insolvency Practitioner
Christopher Bean B.A LL.B. (Rand) LL.M. (London)
(Also admitted in California, U.S.A)

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Also with offices at:
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Suite 200 Woodland Hills,
CA 9137 (U.S.A)

GRIFFIER VAN DIE KONSTITUSIONELE HOF
PRIVAATSAK/PRIVATE BAG X32
1997 -08- 05
BRAAMFONTEIN 2017
REGISTRAR OF THE CONSTITUTIONAL COURT

Your Ref.
Our Ref. C M BEAN/JB

August 4, 1997

The Registrar of the
Constitutional Court
Form 2
Braampark
BRAAMFONTEIN

Registrar,
I discussed the matter with Mr Bean, applicants' attorney. He will lodge 6 more copies of the papers in the matter – excluding the Court record (pleadings in the TPD)

5/8/97

Dear Sir,

APPLICATION IN TERMS OF RULE 17 : HEKPOORT ENVIRONMENTAL PRESERVATION SOCIETY ET AL vs MINISTER OF LAND AFFAIRS ET AL

We confirm that we have filed herewith an original and three copies of the abovenamed Application.

Additionally we are enclosing a copy of the material parts of the pleadings of the above matter which are currently filed in the Supreme Court.

We would ask you to please condone the fact that we have not submitted the requisite number of copies on account of the following two factors :

1 The fact that the paperwork involved is voluminous; and

2 The clients do not have sufficient funds to pay for the copying charges in this matter which are expensive.

We trust that you will condone this on the basis that the Constitutional Court will in fact have sufficient copies in order to be able to proceed further in this matter.

Thanking you for your concession herein.

Yours faithfully,

C M BEAN

WEBER ELS INCORPORATED