IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO:

In the matter between:

THE OCCUPIERS OF SARATOGA AVENUE	Applicants
and	
CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY	First Respondent
BLUE MOONLIGHT PROPERTIES 39 (PTY) LTD	Second Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE that the applicants intend to apply, on Friday 30 March 2012 (or on such other date as the Registrar may direct) at 10h00, or as soon thereafter as Counsel may be heard, for an order in the following terms –

1 Dispensing with the forms and service as provided for in the Rules of this Court and directing that this matter be heard as one of urgency in terms of Rule 12(1).

2 Varying the order of this Court in *City of Johannesburg v Blue Moonlight Properties [2011] ZACC 33,* handed down on 1 December 2011 ("the Order") in the following respects:

2.1 by extending the date in paragraph 104(e)(ii) of the Order to 15 June 2012;

2.2 by extending the date in paragraph 104(e)(iv) of the Order to 1 June 2012; and

2.3 by inserting the words "*and all persons occupying through them*" after "30 April 2008" in paragraph 104(e)(iv) of the Order.

3 Ordering the first respondent forthwith to engage meaningfully with the applicants on:

3.1 the nature of the temporary accommodation to be provided to the applicants in terms of the Order as amended, including but not limited to the needs of families who desire to live together in family accommodation;

3.2 the location of the temporary accommodation to be provided to the applicants in terms of the Order as amended; and

3.3 the details of the process (including the timetable) of relocating the applicants from their current accommodation at Saratoga

Avenue to the temporary accommodation in terms of the Order as amended.

4 Ordering the first respondent to pay the costs of this application on the attorney and client scale, including the costs of two counsel.

5 Further and/or alternative relief

TAKE NOTICE FURTHER that the accompanying affidavit of **KATHLEEN HARDY** and documents annexed thereto will be used in support of this application.

TAKE NOTICE FURTHER that the applicants have appointed as their attorneys the **CENTRE FOR APPLIED STUDIES** at the address set out below, at which they will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that should you intend to oppose this application, you are required to –

(a) notify the applicants' attorney in writing of your intention to do so by no later than 16h00 on Tuesday 13 March 2012; and

(b) deliver your answering affidavits, if any, to applicants' attorneys by no later than 16h00 on Tuesday 20 March 2012.

PLEASE PLACE THE MATTER ON THE ROLL ACCORDINGLY

DATED AT JOHANNESBURG ON THIS 8th DAY OF MARCH 2012

CENTRE FOR APPLIED LEGAL STUDIES
APPLICANT'S ATTORNEYS
University of the Witwatersrand
1 Jan Smuts Avenue
West Campus
First Floor DJ du Plessis Building
Braamfontein
JOHANNESBURG
Tel: (011) 717 8600
Fax: (011) 717 1702
Ref: SLU 0001

TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT**
JOHANNESBURG

AND TO: **MOODIE & ROBERTSON**
FIRST RESPONDENT'S ATTORNEYS
9th Floor, 209 Smit Street
Braamfontein
JOHANNESBURG
Tel: (011) 403 5171
Fax: (011) 403 1973
Ref: MR G VERMAAK/cb

Received a copy hereof on this the day of March 2012

AND TO: **SCHINDLERS ATTORNEYS**

SECOND RESPONDENT'S ATTORNEYS

2nd Floor, 3 Melrose Arch Boulevard

Melrose Arch

JOHANNESBURG

Tel: (011) 448 6900

Ref: Ms Sher/LO1319

Received a copy hereof on this the day of March 2012

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