



CONSTITUTIONAL COURT OF SOUTH AFRICA

Pontsho Doreen Motswagae and Others v Rustenburg Local Municipality and Promtique TR 9 CC

CCT 42/12

Date of hearing: 27 November 2012

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On Tuesday 27 November 2012 at 10h30, the Constitutional Court will hear a case about the circumstances in which it can be said that a municipality has interfered with an occupier's right to undisturbed possession and occupation. The homes occupied by the applicants are situated on land that has been earmarked for hostel development. The municipality authorised certain construction work to begin on the land on which these homes are situated and the applicants applied to the North West High Court for certain relief aimed at stopping the construction work. The applicants contend that the construction work unlawfully disturbed their peaceful possession. The High Court ruled against the applicants and, at the request of the municipality, granted an order in effect authorising the construction work to continue and restraining the applicants from interfering with it.

The applicants wish to appeal to this Court. They contend that they are really the owners of the homes in which they live and that their homes were not transferred into their names merely because they were single women. They also contend that the Constitution and the law entitle them to peaceful possession and occupation of their property, that the

municipality unlawfully interfered with this right by authorising the construction work and that the municipality has not acted reasonably in all the circumstances. The municipality denies the applicants' ownership and says that it has acted reasonably in the performance of its duty to ensure the construction of homes for which there is a hard-felt need.