IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: _____

In the matter between:

GIANT CONCERTS CC	Applicant
and	
RINALDO INVESTMENTS (PTY) LTD	FirstRespondent
THE MINISTER FOR LOCAL GOVERNMENT, HOUSING AND TRADITIONAL AFFAIRS FOR THE PROVINCE OF KWAZULU-NATAL	Second Respondent
ETHEKWINI MUNICIPALITY	Third Respondent
THE MINISTER OF PUBLIC WORKS	Fourth Respondent
THE MINISTER OF DEFENCE	Fifth Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

BE PLEASED TO TAKE NOTICE THAT the Applicant hereby applies for leave to appeal to the above Honourable Court in accordance with Rule 19 of the Constitutional Court Rules and seeks the following relief:

1.1 Granting the Applicant leave to appeal against the judgment and order of His Lordship Mr Justice Plasket dated 29 March 2012.

1.2 Setting aside the judgment of the Supreme Court of appeal, and replacing it with an order in the following terms:

"*The appeal is dismissed with costs, including the costs of two counsel.*"

1.3 Ordering that the costs of the present appeal be paid by any respondent opposing it.

1.4 Further or alternative relief.

BE PLEASED TO TAKE NOTE FURTHER that the Founding Affidavit of **KARAMCHAND MODILAL GAYADIN** together with the annexures thereto will be used in support of the application.

BE PLEASED TO TAKE NOTE FURTHER that the Applicant has appointed DEV MAHARAJ AND ASSOCIATES, 5 St Michaels Lane, Bryanston, 2021 as the address at which notice and service of all process in these proceedings shall be accepted.

BE PLEASED TO 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).

BE PLEASED TO 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 Pietermaritzburg on this the 17th day of APRIL 2012.

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VATHERS ATTORNEYS
ATTORNEYS FOR APPLICANT
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3201
PO Box 8948
Cumberwood
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Telephone: 033-3424099
Telefax: 033-3424075
vathers@hotmail.com
c/oDev Maharaj and Associates
5 St Michaels Lane
Bryanston
Gauteng 2021
P O Box 70758
Bryanston
Telephone: 011-7062233
Telefax: 011-4634370
devm@telkomsa.net
Ref: Mr Maharaj
Tel: 011706 2233

TO:

The Registrar of the above Honourable Court
Johannesburg

AND TO: **RINALDO INVESTMENTS** (Pty) Ltd
FIRST RESPONDENT
c/o J H Nicholson Stiller and Geshen
2nd Floor,
Clifton Place,
19 Hurst Grove,
Musgrave,
Durban.
4062
P O Box 51241
Musgrave Road,
4062.
Telephone: 031- 2029751
Telefax: 031- 2020451
grantw@nsg.co.za.

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AND TO: **THE MINISTER FOR LOCAL GOVERNMENT, HOUSING AND TRADITIONAL AFFAIRS FOR THE PROVINCE OF KWAZULU-NATAL**
SECOND RESPONDENT
14th Floor, Natalia Building,
333 Langalibalele Street,
Pietermaritzburg.
3201
P Bag X9078
Pietermaritzburg
3200.
Telephone: 033 3952942
Telefax:033 3949714
hk@kzncogta.gov.za

AND TO: **ETHEKWINI MUNICIPALITY**
THIRD RESPONDENT
c/o The Municipal Manager
City Hall
West Street Entrance
Durban.
4000.
PO Box 1014
Durban
4000.
Telephone: 031 3112116
Telefax: 031- 3111111 or 031-3113112130 (MM)
metroceo@durban.gov.za (MM)

AND TO: **MINISTER OF PUBLIC WORKS**
FOURTH RESPONDENT
c/o State Attorney (KwaZulu-Natal)
8th Floor Metlife Building,
391 Smith Street
Durban
4000
Private Bag X54301
4001
Telephone: 031-3652530
Telefax: 031- 3062448
hroberts@justice.gov.za
Reference-Mr Howard Roberts

AND TO: **MINISTER OF DEFENCE**
FIFTH RESPONDENT
c/o State Attorney (KwaZulu-Natal)
8th Floor Metlife Building,
391 Smith Street
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4000
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Reference-Mr Howard Roberts