

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

"X"
gHdteew

Before the Honourable Ms Justice Ndita

Cape Town: 06 September 2024

CASE NO: 18638/24

In the matter between:

ALLY AL-HABSY

1st Applicant

**OCCUPIERS OF ERF 10256 RE OLD MARINE
DRIVE CULEMBORG, FORESHORE**

2nd- 38th Applicants

and

PASSENGER RAIL AGENCY OF SOUTH AFRICA

First Respondent

TRANSNET SOC LIMITED

Second Respondent

ORDER

Having read the papers filed of record, and having heard argument from the counsel for the Applicants and the First Respondent, the following order is made:

1. The temporary interdict granted by this court on 29 August 2024 is confirmed.
2. The First Respondent is to return and restore the Applicants' materials and personal property, that they were dispossessed of on 19 August 2024 and 22 August 2024, and to

reconstruct the Applicants' temporary dwelling structures within 24 hours of the granting of this order;

3. In the event that the First Respondent fails to return the Applicants' property in terms of paragraph 2 above, the First Respondent is ordered to replace and construct for those individual Applicants who were evicted on 19 August 2024 and 22 August 2024, temporary habitable dwellings that afford shelter, privacy and amenities at least equivalent to those that were destroyed, and/or disposed of, and/or damaged, and which are capable of being dismantled, at the site at which their previous shelters were demolished, within 24 hours of the granting of this order;
4. The First Respondent is ordered to pay the costs of the application on the B scale.

BY ORDER OF THE COURT

COURT REGISTRAR

Ndifuna Ukwazi Law Centre

Per: Mpho Roboeane (Email: mpho@nu.org.za; Tel: +2721 012 5094)

Ref: ALH1/0001