

**IN THE HIGH COURT OF SOUTH AFRICA
(DURBAN AND COAST LOCAL DIVISION)**

CASE NO:

In the matter between:

AB AHLALI BASEMJONDOLO MOVEMENT SA

First Applicant

SIBUSISO ZIKODE

Second Applicant

and

PREMIER OF KWA-ZULU NATAL

First Respondent

**MEMBER OF THE EXECUTIVE COUNCIL FOR LOCAL
GOVERNMENT, HOUSING AND TRADITIONAL
AFFAIRS, KWA-ZULU NATAL**

Second Respondent

MINISTER OF HOUSING

Third Respondent

MINISTER OF LAND AFFAIRS

Fourth Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the Applicants intend making application to this Honourable Court on the day of 2008 at 09h30 or so soon thereafter as the matter may be heard for an order in the following terms-

- 1.1 Declaring the Kwa-Zulu Natal Elimination and Prevention of Re-Emergence of Slums Act 6 of 2007 *ultra vires* the legislative authority of the Kwa-Zulu Natal Provincial Government and unconstitutional.

Alternatively –

- 1.2 Declaring section 16 of the Kwa-Zulu Natal Elimination and Prevention of Re-Emergence of Slums Act 6 of 2007 inconsistent with section 26(2) of the Constitution of the Republic of South Africa Act 8 of 1996 and invalid.

Further alternatively -

- 1.3 Declaring section 16 and section 9(1)(a) of the Kwa-Zulu Natal Elimination and Prevention of Re-Emergence of Slums Act 6 of 2007 inoperative by virtue of their conflict with the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 and the provisions of the Housing Act 107 of 1997.

- 2 Ordering the respondents who oppose this application to pay the costs thereof, jointly and severally, the one paying the other to be absolved.
- 3 Further and/or alternative relief.

TAKE NOTICE FURTHER THAT-

- (a) the annexed affidavit of **SIBUSISO ZIKODE** together with the annexures thereto shall be used in support of the application;
- (b) the Applicants have appointed the address of their attorneys as set out below at which they will accept notice and service of all process in these proceedings;

TAKE NOTICE FURTHER that if you intend opposing this application you are required-

- (a) within TEN [10] days of receipt hereof to deliver a notice to the Applicants' attorneys that you intend to oppose; and
- (b) within FIFTEEN [15] days after you have so given notice of your intention to oppose, to file your answering affidavits, if any; and

- (c) further that you are required in such notice to appoint an address within 8 kilometres of the office of the Registrar of this honourable Court at which you will accept notice and service of all process in these proceedings.

If no such notice of intention to oppose be given, application will be made on the _____ day of _____ 2008 at 09h30 or soon thereafter as the matter may be heard.

DATED AT DURBAN ON THIS THE DAY OF FEBRUARY 2008

WITS LAW CLINIC
 Applicants' Attorneys
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 4001
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 Fax: 031 202 3645
 Ref:T Nichols/cn/CAL043

TO:
**THE REGISTRAR OF THE ABOVE HONOURABLE COURT,
DURBAN**

AND TO:

THE PREMIER OF KWA-ZULU NATAL

First Respondent
c/o The State Attorney,
6th Floor, Metropolitan Life Building,
391 Smith Street,
Durban ,
KZN.

AND TO:

**MEMBER OF THE EXECUTIVE COUNCIL FOR LOCAL GOVERNMENT,
HOUSING AND TRADITIONAL AFFAIRS, KWA-ZULU NATAL**

Second Respondent
c/o The State Attorney,
6th Floor, Metropolitan Life Building,
391 Smith Street,
Durban ,
KZN.

AND TO:

THE MINISTER OF HOUSING

Third Respondent
c/o The State Attorney,
6th Floor, Metropolitan Life Building,
391 Smith Street,
Durban ,
KZN.

AND TO:

THE MINISTER OF LAND AFFAIRS

Fourth Respondent
c/o The State Attorney,
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